

on Foreign Relations, and nothing like it as I understood. But I am not complaining of the Senator for not letting his proposition be referred to the Committee on Foreign Relations. Upon those two points I am at odds with the Senator from California. I do complain that the Senator should insist upon having a resolution go through this body in the morning hour without a reference to any committee whatever which employs terms upon the definition of which Senators are disagreed and according to him the authorities are disagreed.

Mr. SARGENT. If I had the slightest hope of getting a report from his committee, I should consent to sending it there with pleasure; but I have not a hope of that; and experience shows me that such a hope would be baseless.

Mr. HOWE. I will not undertake to defend the Committee on Foreign Relations this morning. I think that criticism, however, is not at all deserved by the committee. It certainly cannot be abused for not having reported a subject that never has been referred to it.

But I promised the Senator to let him take a vote before twelve o'clock, and therefore I will continue these remarks no further. I should make no difficulty, however, about recommending to the executive department such a revision of our treaties as will restrict the importation of criminals; but when it comes to restricting the importation of labor it is a very different thing, and I should want to consider that subject before I consented to give the Executive a hint upon it.

Mr. SARGENT. I ask for the yeas and nays.

Mr. MORTON. Is it in order to offer an amendment to the substitute?

The PRESIDENT *pro tempore*. It is. The Senator from California modified the resolution by a substitute.

Mr. MORTON. I wish to offer a substitute for that.

Mr. EDMUNDS. I thought there was a motion to refer.

The PRESIDENT *pro tempore*. There is a motion to refer, and that motion is pending. No amendment can be attached to the substitute, as there is a motion pending to commit.

Mr. EDMUNDS. I do not object to its being submitted, to be referred with the resolution.

The PRESIDENT *pro tempore*. So the Chair understood, and he was about to direct the amendment of the Senator from Indiana to be read.

The CHIEF CLERK. The amendment is to strike out all after the word "resolved" and insert:

That a committee of three Senators be appointed to investigate the character, extent, and effect of Chinese immigration to this country, with power to visit the Pacific coast for that purpose, and to send for persons and papers, and to report at the next session of Congress.

Mr. SARGENT. I should be willing to take that resolution.

The PRESIDENT *pro tempore*. Does the Senator from Vermont object?

Mr. EDMUNDS. I think this subject, as I have stated over and over again, ought to go to the committee in the regular way, and they can report this substitute if they think it is right in form. I do not know that there is any objection to it, and I do not know but that there is; but this subject I have said and still believe should go to the committee.

The PRESIDENT *pro tempore*. The Senator from Vermont moves to refer the resolution of the Senator from California to the Committee on Foreign Relations. On that question the Senator from California has asked for the yeas and nays.

The yeas and nays were ordered.

Mr. ANTHONY. Does the amendment go to the committee with the resolution?

The PRESIDENT *pro tempore*. It does not. It has been read for information.

Mr. ANTHONY. Does the Senator from Vermont object to its going to the committee?

The PRESIDENT *pro tempore*. That is what the Chair asked the Senator from Vermont.

Mr. ANTHONY. I understand the Senator from Vermont does not object.

Mr. EDMUNDS. I understood the Chair to ask me whether I assented to the proposition to have this substitute accepted in lieu of the motion of the Senator from California. I did not assent to that; but I thought I said that I had no objection to the substitute going with the resolution to the committee if the subject was referred at all.

The PRESIDENT *pro tempore*. This motion to refer, then, will be understood to cover the proposition of the Senator from Indiana. The motion is to refer the resolution and proposed substitute to the Committee on Foreign Relations.

Mr. HOWE. I beg to know whether the Senator from California has or has not accepted the substitute offered by the Senator from Indiana?

Mr. SARGENT. It is not in my power to do that pending the motion to refer to the committee. I would accept it if I had an opportunity.

The PRESIDENT *pro tempore*. The Chair submitted that to the Senator from Vermont, and he objected.

Mr. HOWE. Then I shall vote against this motion to refer, having the distinct intimation that the Senator from California will accept the substitute.

Mr. SARGENT. I will; because I think investigation will be useful. I desire investigation.

The PRESIDENT *pro tempore*. The question is on the reference to the Committee on Foreign Relations.

Mr. SARGENT. I am willing a vote should be taken by the sound. Mr. EDMUNDS. The yeas and nays have been ordered. Let them be taken.

Mr. SARGENT. Very well.

The question being taken by yeas and nays, resulted—yeas 16, nays 32; as follows:

YEAS—Messrs. Alcorn, Allison, Anthony, Davis, Dennis, Edmunds, Frelinghuysen, Hamilton, McMillan, Merrimon, Morrill of Vermont, Norwood, Patterson, Saulsbury, Withers, and Wright—16.

NAYS—Messrs. Bogy, Booth, Cameron of Wisconsin, Caperton, Christiancy, Cockrell, Conkling, Cooper, Dawes, Dorsey, Eaton, Ferry, Goldthwaite, Hamlin, Harvey, Hitchcock, Howe, Ingalls, Jones of Nevada, Kelly, Kernan, Key, McCreery, McDonald, Mitchell, Morton, Paddock, Ransom, Sargent, Spencer, Wadleigh, and Wallace—32.

ABSENT—Messrs. Barnum, Bayard, Boutwell, Bruce, Burnside, Cameron of Pennsylvania, Clayton, Conover, Cragin, Gordon, Johnston, Jones of Florida, Logan, Maxey, Morrill of Maine, Oglesby, Randolph, Robertson, Sharon, Sherman, Stevenson, Thurman, West, Whyte, and Windom—25.

So the motion to refer was not agreed to.

Mr. SARGENT. I accept the substitute of the Senator from Indiana, and ask that we have a vote upon it.

The PRESIDENT *pro tempore*. Is there objection to further action, the morning hour having expired? The Chair hears no objection to extending the time. The Senator from California accepts the amendment of the Senator from Indiana. The Secretary will report the resolution as it now stands.

The Chief Clerk read as follows:

*Resolved*, That a committee of three Senators be appointed to investigate the character, extent, and effect of Chinese immigration to this country, with power to visit the Pacific coast for that purpose, and to send for persons and papers, and to report at the next session of Congress.

The resolution was agreed to.

By unanimous consent, the President *pro tempore* was authorized to appoint the committee.

#### TELEGRAPHIC COMMUNICATION WITH ASIA.

Mr. DAWES. I enter a motion to reconsider the vote by which the bill (S. No. 892) to encourage and promote telegraphic communication between American and Asia passed the Senate yesterday.

The PRESIDENT *pro tempore*. The motion to reconsider will be entered.

#### WITHDRAWAL OF PAPERS.

On motion of Mr. WRIGHT, it was

*Ordered*, That James Tebault and others be allowed to withdraw the papers relating to their claim from the files of the Senate on leaving copies.

#### IMPEACHMENT OF W. W. BELKNAP.

The PRESIDENT *pro tempore*. The hour of twelve o'clock having arrived, pursuant to the order of the Senate made on June 19, the legislative and executive business of the Senate will be suspended, and the Senate will proceed to the consideration of the articles of impeachment exhibited by the House of Representatives against William W. Belknap, late Secretary of War.

The Senate then proceeded to the trial of the impeachment of William W. Belknap, late Secretary of War.

The Senate sitting for the trial of the impeachment of William W. Belknap having adjourned then resumed its

#### LEGISLATIVE SESSION.

The PRESIDENT *pro tempore*. The Senate resumes its legislative and executive business.

Mr. SARGENT. I move that when the Senate adjourn it be to meet at eleven o'clock to-morrow.

The motion was agreed to.

Mr. HOWE. I move that the Senate adjourn.

The motion was agreed to; and (at five o'clock and twenty-seven minutes p. m.) the Senate adjourned.

## HOUSE OF REPRESENTATIVES.

THURSDAY, July 6, 1876.

The House met at twelve o'clock m. Prayer by the Chaplain, Rev. I. L. TOWNSEND.

The Journal of yesterday was read and approved.

#### MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. SYMPSON, one of its clerks, informed the House that the Senate was ready to proceed upon the impeachment of William W. Belknap and to receive the managers on the part of the House, and that the Senate Chamber was prepared with accommodations for the reception of the House of Representatives.

#### ORDER OF BUSINESS.

Mr. LORD. I call for the regular order.

Mr. VANCE, of North Carolina. I hope the gentleman will yield

to me for a few moments that I may ask unanimous consent to take from the Speaker's table and put upon its passage the bill (S. No. 846) to punish the counterfeiting of trade-mark goods, and the selling or dealing in of trade-mark counterfeit goods.

Mr. LORD. I cannot yield for that purpose. There are reasons for my insisting on the regular order. I have to go over to the Senate.

The SPEAKER *pro tempore*. The regular order is the unfinished business of yesterday, being the vote on the Geneva award bill.

Mr. LORD. Before the regular order is proceeded with, I desire to offer a resolution in connection with the impeachment trial.

Mr. VANCE, of North Carolina. Is that resolution the regular order?

The SPEAKER *pro tempore*. It is a privileged resolution.

#### IMPEACHMENT OF WILLIAM W. BELKNAP.

Mr. LORD. I offer the following resolution:

*Resolved*, That the Clerk of this House, on the request of the managers to conduct the impeachment against William W. Belknap, appear before the Senate sitting as a court of impeachment with such papers of the House as the managers may require, and that the members of the Committee on Expenditures in the War Department have permission to appear and testify in such court in regard to such impeachment, and to produce such papers in relation thereto as the managers may require.

The resolution was adopted.

#### GENEVA AWARD.

The SPEAKER *pro tempore*. The regular order is the report of the Committee on the Judiciary in regard to the distribution of the unappropriated moneys under the Geneva award. The pending question is on the adoption of the substitute proposed by the gentleman from Kentucky [Mr. KNOTT] for the report of the majority of the committee. The Clerk will report the substitute.

The Clerk read as follows:

A bill to amend the act entitled "An act for the creation of a court for the adjudication and disposition of certain moneys received into the Treasury under an award made by the tribunal of arbitration constituted by virtue of the first article of the treaty concluded at Washington the 8th day of May, A. D. 1871, between the United States of America and the Queen of Great Britain," approved June 23, 1874.

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled*, That so much of the twelfth section of the said act as provides that "no claim shall be admissible or allowed by the court by or in behalf of any insurance company or insurer, either in its or his own right, or as assignee or otherwise in the right of a person or party insured, unless such claimant shall show to the satisfaction of said court that during the late rebellion the sum of its or his losses in respect to its or his war risks exceeded the sum of its or his premiums or other gains upon or in respect to such war risks; and in case of any such allowance, the same shall not be greater than such excess of loss," be, and the same is hereby, repealed.

SEC. 2. That any claimant excluded by the provision hereby repealed shall have the like period of time within which to present, file, and prove its or his claim after the passage of this amendment as he could have had after the passage of the said act if not so excluded. And the time of the duration of the court created by the said act, and its powers, are hereby extended for a period sufficient to enable it to hear and dispose of such additional claims and the claims already referred to it; which period shall not exceed one year from the expiration of the time for filing claims under this section.

The question being taken on agreeing to the substitute, there were—ayes 21, noes 93.

Mr. KNOTT. I call for the yeas and nays.

The question being taken on ordering the yeas and nays, there were—ayes 25, noes 29.

So (the affirmative being more than one-fifth of the whole vote) the yeas and nays were ordered.

Mr. WALLING. I ask that the substitute may be again reported.

The substitute was again read.

The question was taken; and there were—yeas 35, nays 151, not voting 103; as follows:

YEAS—Messrs. Ashe, Atkins, Blackburn, Blount, Boone, Buckner, John B. Clarke of Kentucky, Clymer, Cox, Davis, Douglas, Garfield, Hancock, Hardenbergh, Hathorn, Hubbell, Thomas L. Jones, Kehr, Knott, Lamar, Leavenworth, Milliken, Mills, Money, Pierce, Platt, Reagan, William M. Robbins, Scales, Slemons, Spencer, Robert B. Vance, Waldron, John W. Wallace, and Willis—35.

NAYS—Messrs. Adams, Ainsworth, Anderson, Bagby, John H. Bagley, jr., John H. Baker, William H. Baker, Banning, Bell, Bland, Bradford, Bradley, William R. Brown, Horatio C. Burchard, Samuel D. Burchard, Cabell, John H. Caldwell, William P. Caldwell, Campbell, Cannon, Cason, Caswell, Caulfield, John B. Clark, jr., of Missouri, Cochrane, Conger, Cook, Cowan, Crouse, Culberson, Cutler, Dibrrell, Dobbins, Dunnell, Eames, Ellis, Evans, Faulkner, Felton, Finley, Forney, Fort, Foster, Gause, Gibson, Goode, Goodin, Gunter, Hale, Haralson, Henry R. Harris, Harrison, Hartridge, Hartzell, Hatcher, Haymond, Hereford, Abram S. Hewitt, Holman, Hooker, Hopkins, House, Hunter, Hunton, Jenks, Joyce, Kasson, Kelley, Kimball, Franklin Landers, Lapham, Lawrence, Levy, Lewis, Lord, Luttrell, L. A. Mackey, Maish, MacDougall, McCrary, McDill, McFarland, Meade, Miller, Morgan, Morrison, New, Norton, O'Brien, Oliver, Packer, Payne, Phelps, John F. Phillips, Piper, Plaisted, Poppleton, Potter, Powell, Pratt, Randall, Rea, John Reilly, James B. Reilly, Rice, Riddle, John Robbins, Robinson, Sobieski Ross, Rusk, Sampson, Schleicher, Seelye, Sinnamon, Southard, Strait, Stenger, Stevenson, Stone, Tarbox, Terry, Thompson, Thornburgh, Martin I. Townsend, Tufts, Van Vorhes, John L. Vance, Waddell, Wait, Gilbert C. Walker, Alexander S. Wallace, Walling, Warren, Erastus Wells, G. Wiley Wells, White, Whiting, Wigginton, Wike, Willard, James D. Williams, Jeremiah N. Williams, William B. Williams, Benjamin Wilson, James Wilson, Yeates, and Young—151.

NOT VOTING—Messrs. George A. Bagley, Ballou, Banks, Bass, Beebe, Blaine, Blair, Bliss, Bright, John Young Brown, Burleigh, Candler, Cate, Chapin, Chittenden, Collins, Crapo, Danford, Darrall, Davy, De Bolt, Denison, Durand, Durham, Eden, Egbert, Ely, Franklin, Freeman, Frost, Frye, Fuller, Glover, Andrew H. Hamilton, Robert Hamilton, Benjamin W. Harris, John T. Harris, Hays, Hendee, Henderson, Henkle, Goldsmith W. Hewitt, Hill, Hoar, Hoge, Hoskins, Hurd, Hurlbut, Hyman, Frank Jones, Ketcham, King, George M. Landers, Lane, Le

Moyné, Lynch, Lynde, Edmund W. M. Mackey, Magoon, McMahon, Metcalfe, Monroe, Mutchler, Nash, Neal, Odell, O'Neill, Page, Parsons, William A. Phillips, Pratt, Purman, Rainey, Savage, Saylor, Schleicher, Schumaker, Sheakley, Smalls, William E. Smith, Stowell, Swann, Teese, Thomas, Throckmorton, Washington Townsend, Tucker, Turney, Charles C. B. Walker, Walsh, Ward, Wheeler, Whitehouse, Whitthorne, Andrew Williams, Alpheus S. Williams, Charles G. Williams, James Williams, Wilshire, Alan Wood, jr., Fernando Wood, Woodburn, and Woodworth—103.

So the substitute was rejected.

During the vote,

Mr. TUCKER stated that he was paired with Mr. WILLIAMS, of New York, who, if present, would vote "no," while he would vote "ay."

Mr. HURLBUT stated that he was paired with Mr. LYNDE, who was absent by order of the House and who, if present, would vote in the affirmative, while he would vote in the negative.

Mr. MONROE stated that he was paired with Mr. WARD, who, if present, would vote in the affirmative, while he would vote in the negative.

Mr. STRAIT stated that Mr. DE BOLT was absent on account of sickness.

Mr. PAGE stated that he was paired with Mr. BASS, who, if present, would vote in the affirmative, while he would vote in the negative. The vote was then announced as above recorded.

Mr. HOLMAN. I move to lay the bill on the table.

Mr. LORD. I think that motion will be withdrawn.

Mr. HOLMAN. I think it is a fair motion to test the sense of the House.

Mr. CAULFIELD demanded the yeas and nays.

The yeas and nays were ordered.

The question was taken; and it was decided in the negative—yeas 96, nays 113, not voting 80; as follows:

YEAS—Messrs. Adams, Ainsworth, Anderson, Ashe, Atkins, George A. Bagley, Bell, Blackburn, Bland, Blount, Boone, Bradford, Bright, Buckner, Cabell, John H. Caldwell, William P. Caldwell, Candler, Cannon, John B. Clarke of Kentucky, John B. Clark, jr., of Missouri, Clymer, Cook, Cowan, Cox, Culberson, Dibrrell, Douglas, Durand, Faulkner, Felton, Forney, Fuller, Garfield, Gause, Goodin, Gunter, Hancock, Hardenbergh, Henry R. Harris, Hartridge, Hartzell, Hatcher, Hathorn, Haymond, Henkle, Hill, Holman, Hooker, Hubbell, Thomas L. Jones, Ketcham, Knott, Lamar, Franklin Landers, Lawrence, Leavenworth, Lewis, L. A. Mackey, McFarland, Milliken, Mills, Money, Morgan, Morrison, New, O'Brien, Packer, John F. Phillips, Pierce, Platt, Reagan, William M. Robbins, Scales, Singleton, Slemons, A. Herr Smith, Sparks, Spencer, Springer, Stone, Stowell, Tarbox, Terry, Thornburgh, John L. Vance, Robert B. Vance, Waddell, Waldron, Walling, Erastus Wells, Willard, James D. Williams, Jeremiah N. Williams, Willis, and Benjamin Wilson—96.

NAYS—Messrs. Bagby, John H. Bagley, jr., John H. Baker, William H. Baker, Banning, Bradley, William R. Brown, Horatio C. Burchard, Samuel D. Burchard, Burleigh, Campbell, Cason, Caswell, Caulfield, Chittenden, Cochrane, Collins, Conger, Crapo, Crouse, Cutler, Davis, Davy, Dobbins, Dunnell, Eames, Ellis, Evans, Finley, Fort, Foster, Gibson, Goode, Hale, Haralson, Benjamin W. Harris, Harrison, Hendee, Henderson, Abram S. Hewitt, Hopkins, House, Hunter, Hunton, Hurlbut, Jenks, Frank Jones, Joyce, Kasson, Kelley, Kimball, Lapham, Levy, Lord, Luttrell, Maish, MacDougall, McCrary, McDill, Meade, Miller, Norton, Oliver, O'Neill, Page, Payne, Phelps, William A. Phillips, Piper, Plaisted, Poppleton, Potter, Powell, Pratt, Randall, Rea, John Reilly, James B. Reilly, Rice, Riddle, John Robbins, Robinson, Sobieski Ross, Rusk, Sampson, Schleicher, Seelye, Sinnamon, Southard, Strait, Stenger, Stevenson, Swann, Thompson, Martin I. Townsend, Washington Townsend, Tufts, Van Vorhes, Gilbert C. Walker, Alexander S. Wallace, Warren, G. Wiley Wells, White, Whiting, Whitthorne, Wigginton, Wike, Alpheus S. Williams, James Williams, William B. Williams, James Wilson, Yeates, and Young—113.

NOT VOTING—Messrs. Ballou, Banks, Bass, Beebe, Blaine, Blair, Bliss, John Young Brown, Cate, Chapin, Danford, Darrall, De Bolt, Denison, Durham, Eden, Egbert, Ely, Franklin, Freeman, Frost, Frye, Glover, Andrew H. Hamilton, Robert Hamilton, John T. Harris, Hays, Hereford, Goldsmith W. Hewitt, Hoar, Hoge, Hoskins, Hurd, Hyman, Kehr, King, George M. Landers, Lane, Le Moyné, Lynch, Lynde, Edmund W. M. Mackey, Magoon, McMahon, Metcalfe, Monroe, Mutchler, Nash, Neal, Odell, Parsons, Purman, Rainey, Roberts, Miles Ross, Savage, Saylor, Schumaker, Sheakley, Smalls, William E. Smith, Teese, Thomas, Throckmorton, Tucker, Turney, Wait, Charles C. B. Walker, John W. Wallace, Walsh, Ward, Wheeler, Whitehouse, Andrew Williams, Charles G. Williams, Wilshire, Alan Wood, jr., Fernando Wood, Woodburn, and Woodworth—80.

So the House refused to lay the bill on the table.

During the vote,

Mr. MONROE stated that he was paired with Mr. WARD, who, if present, would vote in the affirmative, while he would vote in the negative.

Mr. HARDENBERGH stated that his colleague, Mr. HAMILTON, was paired with Mr. LYNCH.

Mr. HENDEE stated that his colleague, Mr. DENISON, was confined to his house by sickness.

The vote was then announced as above recorded.

The bill was ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the third time.

Mr. LORD demanded the previous question on the passage of the bill.

Mr. HOLMAN. I rise to a parliamentary inquiry. If the previous question is not sustained, will it not then be in order to recommit the bill?

The SPEAKER *pro tempore*. It will.

Mr. HOLMAN. Then I give notice if the previous question is not seconded I will make that motion.

The House divided; and there were—ayes 67, noes 65; no quorum voting.

The SPEAKER *pro tempore* appointed Mr. HOLMAN and Mr. LORD as tellers.

The House again divided; and the tellers reported—ayes 94, noes 65. So the previous question was seconded.

The main question was then ordered to be put.

Mr. HALE moved to reconsider the vote by which the main question was ordered to be put; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

The question next recurred on the passage of the bill.

Mr. HALE demanded the yeas and nays.

The yeas and nays were ordered.

The question was taken; and it was decided in the affirmative—yeas 107, nays 96, not voting 85; as follows:

**YEAS**—Messrs. Bagby, John H. Bagley, jr., John H. Baker, Banning, Bell, Bradley, William R. Brown, Horatio C. Burchard, Samuel D. Burchard, Burleigh, Campbell, Cason, Caswell, Caulfield, Conger, Cowan, Crapo, Crouse, Dobbins, Dunnell, Eames, Ellis, Evans, Finley, Fort, Foster, Hale, Haralson, Benjamin W. Harris, Harrison, Haymond, Hendee, Hereford, Abram S. Hewitt, Hopkins, Hunter, Hunton, Jenks, Frank Jones, Joyce, Kasson, Kelley, Ketcham, Kimball, Lapham, Levy, Lord, Luttrell, Maish, MacDougall, McCrary, McDill, Meade, Miller, Morgan, Norton, O'Brien, Oliver, O'Neill, Payne, Phelps, William A. Phillips, Piper, Plaisted, Poppleton, Potter, Powell, Pratt, Randall, Rea, John Reilly, James B. Reilly, Rice, Riddle, John Robbins, Robinson, Sobieski Ross, Rusk, Sampson, Schleichner, Seelye, Simickson, Smalls, Strait, Stenger, Stevenson, Stowell, Thompson, Martin I. Townsend, Washington Townsend, Tufts, Van Vorhes, Wait, Gilbert C. Walker, Alexander S. Wallace, John W. Wallace, Warren, G. Wiley Wells, White, Whiting, Wigginton, Wike, Alpheus S. Williams, James Williams, William B. Williams, James Wilson, and Yeates—107.

**NAYS**—Messrs. Adams, Ainsworth, Anderson, Ashe, Atkins, George A. Bagley, William H. Baker, Blackburn, Bland, Blount, Boone, Bradford, Buckner, Cabell, John H. Caldwell, William P. Caldwell, Candler, Cannon, John B. Clarke of Kentucky, John B. Clark, jr., of Missouri, Clymer, Cochrane, Cook, Culberson, Cutler, Davy, Dibrell, Douglas, Durand, Faulkner, Felton, Forney, Fuller, Garfield, Gause, Gibson, Goodin, Gunter, Hancock, Hardenbergh, Henry R. Harris, Hartridge, Hartzell, Hatcher, Hathorn, Henderson, Hill, Holman, Hooker, Hubbell, Thomas L. Jones, Kehr, Knott, Lamar, Franklin Landers, Lawrence, Leavenworth, Lewis, L. A. Mackey, McFarland, Milliken, Mills, Money, Morrison, New, Packer, John F. Phillips, Pierce, Platt, Reagan, William M. Robbins, Miles Ross, Scales, Singleton, Slemmons, A. Herr Smith, William E. Smith, Southard, Sparks, Spencer, Springer, Stone, Tarbox, Terry, Thornburgh, John L. Vance, Robert B. Vance, Waddell, Waldron, Walling, Erastus Wells, Willard, Jeremiah N. Williams, Willis, Benjamin Wilson, and Young—96.

**NOT VOTING**—Messrs. Ballou, Banks, Bass, Beebe, Blaine, Blair, Bliss, Bright, John Young Brown, Cate, Chapin, Chittenden, Collins, Cox, Danford, Darrall, Davis, De Bolt, Denison, Durham, Eden, Elgbert, Ely, Franklin, Freeman, Frost, Frye, Glover, Goode, Andrew H. Hamilton, Robert Hamilton, John T. Harris, Hays, Henkle, Goldsmith W. Hewitt, Hoar, Hoge, Hoskins, House, Hurd, Hurlbut, Hymae, King, George M. Landers, Lane, Le Moyné, Lynch, Lynde, Edmund W. M. Mackey, Magoon, McMahon, Metcalfe, Monroe, Mutchler, Nash, Neal, Odell, Page, Parsons, Purman, Rainey, Roberts, Savage, Saylor, Schumaker, Sheakley, Swann, Teese, Thomas, Throckmorton, Tucker, Turney, Charles C. B. Walker, Walsh, Ward, Wheeler, Whitehouse, Whittherne, Andrew Williams, Charles G. Williams, James D. Williams, Wilshire, Alan Wood, jr., Fernando Wood, Woodburn, and Woodworth—86.

So the bill was passed.

During the roll-call the following announcements were made:

Mr. TUCKER. I am paired upon this question with Mr. WILLIAMS, of New York. If he were here he would vote "ay," and I would vote "no."

Mr. HURLBUT. I am paired upon this question with the gentleman from Wisconsin, Mr. LYNDE. If he were here he would vote "no," and I would vote "ay."

Mr. MONROE. I am paired upon this question with Mr. WARD, from New York. If he were present he would vote "no," and I would vote "ay."

Mr. EAMES. I desire to announce that my colleague, Mr. BALLOU, is absent by leave of the House. If present he would vote "ay."

Mr. PAGE. I am paired upon this bill with Mr. BASS, of New York. If he were present he would vote "no," and I would vote "ay."

The result of the vote was then announced as above recorded.

Mr. LORD moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

#### ORDER OF BUSINESS.

The SPEAKER *pro tempore*. The Chair will state that the regular order is the morning hour and the call of committees for reports of a public nature. [Cries of "Regular order."] ]

Mr. LAWRENCE. I rise to a privileged question. On the 7th of June the bill (H. R. No. 3672) to amend the act approved July 2, 1864, entitled "An act to amend an act entitled 'An act to aid in the construction of a railroad and telegraph line from the Missouri River to the Pacific Ocean, and to secure to the Government the use of the same for postal, military, and other purposes,' approved July 1, 1862," and other acts in relation to the railroad companies therein named, was reported to the House and recommitted to the Judiciary Committee, and on the next day I entered a motion to reconsider the vote by which the bill was recommitted to the Committee on the Judiciary. I now call up for consideration that motion, which take precedence of the morning hour.

Mr. RANDALL. I hope the gentleman will yield to me to make a report from the committee of conference on the legislative, &c., appropriation bill.

The SPEAKER *pro tempore*. That is at all times in order.

Mr. RANDALL. I know that, but I do not desire to take the gentleman from Ohio off the floor if he will yield to me.

Mr. BURCHARD, of Illinois. I reserve the right to raise the question of consideration on the bill of the gentleman from Ohio.

#### GENEVA AWARD.

Mr. LORD. I ask unanimous consent of the House to make a statement in justice to the gentleman from Mississippi, [Mr. WELLS,] who introduced a substitute for the bill of the majority striking out the insurance companies and putting the balance of the fund into the Treasury. The amendment of Mr. JENKS was adopted, which was substantially the same as the substitute offered by the gentleman from Mississippi [Mr. WELLS] for the whole bill. I make this statement in justice to Mr. WELLS, who was the first to introduce the bill striking out the insurance companies and putting the balance of the fund into the Treasury.

#### LEGISLATIVE, ETC., APPROPRIATION BILL.

Mr. RANDALL. I submit a report from the committee of conference on the legislative, &c., appropriation bill, and I desire to ask the previous question upon it; but before doing so I wish to make the statement that after the previous question is sustained I will yield the floor for any questions that gentlemen desire to put or for debate within the limit of one hour.

The Clerk read the report, as follows:

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. No. 2571) making appropriations for the legislative, executive, and judicial departments of the Government for the fiscal year ending June 30, 1877, and for other purposes, having met, after full and free conference, have been unable to agree.

SAML. J. RANDALL,  
OTHO R. SINGLETON,  
CHARLES FOSTER,  
*Managers on the part of the House.*  
LOT M. MORRILL,  
WM. WINDOM,  
R. E. WITHERS,  
*Managers on the part of the Senate.*

Mr. RANDALL. I withdraw the call for the previous question for a moment.

Mr. BURCHARD, of Illinois. I understand that the gentleman proposes to occupy the hour allotted to him under the rules, and yield a portion of the time to this side of the House.

Mr. RANDALL. I did not propose to occupy the full hour, but only to occupy so much time as we acquaint the House with the circumstances connected with this report. The Senate desired to have this report returned to them as speedily as possible for reasons which may hereafter appear.

Mr. BURCHARD, of Illinois. Then I understand that the gentleman will yield a portion of the time to this side of the House.

Mr. RANDALL. I mean to be fair in all respects. I withdraw the demand for the previous question and hold the floor in my own right, and I desire to submit and have the Clerk read what I send to the desk, which is an offer made by the Senate conferees to the House conferees at their meeting this morning.

The Clerk read as follows:

The committee of conference on the part of the Senate submit that as anything like a just and intelligent adjustment of the salaries of the employes, clerks, heads of bureaus, chiefs of divisions and of the subdivisions of the Executive Departments, a service at once extended and diversified, must necessarily involve a critical and laborious examination into its details and duties, an undertaking quite impracticable in the last days of a session of Congress, and unwise to attempt in connection with an appropriation bill, the committee therefore propose, as a concession, in order to meet the views of the House on the subject of appropriations for the salaries, that the Senate will recede from its amendments to the bill of the House in this respect, and remit the question of the revision and adjustment of the same to a joint select committee of four, two of whom shall be appointed by the presiding officer of each House, whose duty it shall be to revise and adjust the salaries, having due regard to a just public economy and the efficiency of the service, and make report of their doing therein on the first day of the next session of Congress: *And provided*, That any change made in said salaries by Congress upon said report shall take effect from the 1st day of July, 1876; and all persons who shall be affected thereby and who shall continue in the service shall be deemed to have accepted the terms hereof and acquiesced therein.

But the Senate cannot, having regard to its constitutional rights and duties as a co-ordinate branch of the legislative department of the Government, assent to the changes in the existing law that it believes to be pernicious as the price of securing appropriations necessary to carry on the operations of the Government under the laws as they now exist. And upon the same principle the Senate does not demand that the House of Representatives shall vote to appropriate any money, even to meet the legal obligations of the United States, that the House may feel it to be its duty to refuse; thus leaving to each House absolute independence in respect of acceding or not acceding to new provisions of law that it believes to be unwise.

And the committee further submit that the Senate will recede from its amendments to the House amendments on the reduction of the civil list in the Executive Departments of clerks and employes, and agree to any amendments which shall reduce the number one-half that proposed by the bill of the House, observing in such reduction the exercise of such discrimination as to the needs of the service in the several subdivisions thereof as a careful examination of the same may indicate.

Mr. RANDALL. Mr. Speaker, the proposition of the Senate in its practical effect is just this: They accept the amount of money which the House proposes to appropriate on account of salaries as they are now fixed by law, which would leave open to future settlement a controversy which would arise at once between the clerks and other employes provided for in this bill and the Government; in other words, it would leave a claim on the Government for the balance of an appropriation, being the difference in the amount between the sums which we give in this bill and the sums as provided for by existing law. It places the House in the position of refusing to make appropriations more than we believe to be sufficient for the present year and throws the controversy into the future.

Mr. HALE. Will the gentleman allow me one question?

Mr. RANDALL. I will in a moment. Our proposition was this: We proposed to fix the salaries as provided for for this year in the words of the sections which I send to the Clerk's desk in lieu of the second section of the bill as it originally passed the House. We make the salaries fixed in this bill the permanent salaries of the officers to whom it relates.

The Clerk read as follows:

Sec. 2. That the sums herein appropriated as the compensation of the officers and employes of the Government, respectively, enumerated in this act shall be in full for the compensation of such officers and employes for the fiscal year ending June 30, 1877, unless Congress shall otherwise provide in the manner hereinafter authorized.

Mr. RANDALL. In that section we claim control over the appropriations for compensation to be given to these clerks for the fiscal year ending June 30, 1877. We go on further to accept an additional proposition which originated in the Senate and which is embraced in section 3, which I ask the Clerk now to read.

The Clerk read as follows:

Sec. 3. That a joint select committee of four shall be appointed, two by the presiding officer of each House, whose duty it shall be to inquire into the requisite number and proper salaries of the officers, clerks, and employes in the several Executive Departments of the Government, with a view to the due and permanent adjustment of the same, having regard to a just public economy and the efficiency of the service. Said joint committee shall sit during the recess of Congress, and shall make their report thereon to the two Houses on the first Monday of December next.

Mr. HALE. Will the gentleman allow me to ask him a question right here, before he leaves this subject?

Mr. RANDALL. Certainly.

Mr. HALE. Is the gentleman certain that the proposition of the Senate would leave open to the clerks a claim for the difference between the compensation fixed by this bill and that heretofore fixed by law? It struck me as the proposition was read that the scope of it was to this effect: that whatever the commission to settle salaries shall report as the proper salaries of these clerks shall apply from July 1, 1876. I did not hear it distinctly, because my attention was not called distinctly to it while it was being read; but that is what appeared to me to be the scope of the proposition.

Mr. RANDALL. I am not surprised that the gentleman should have received that impression. He will see that, according to the direct wording of the proposition on the part of the Senate, it practically makes the House appropriate on account of salaries, as it were. But suppose that this commission which is provided for should fail to agree. Then it would leave a claim on the part of the clerks against the Government for the remainder of their salaries according to existing law.

Mr. HALE. I think that is so. But if the commission did agree, their agreement would relate back to the 1st of July and would cover the whole year, would it not?

Mr. RANDALL. If they did agree, and Congress confirmed their recommendation to make these adjusted salaries retroactive, then well and good. But if Congress did not confirm their recommendation, or if they did not agree, then the entire number of clerks and employes affected by this bill would be put right back under the old law, and would have a claim against the Government for their salaries as now fixed by law.

Mr. HALE. That is on the assumption that the work of the commission came to nothing?

Mr. RANDALL. Yes. The next proposition is as to the reduction in the number of clerks, employes, &c. Perhaps the most intelligent way of getting at this matter exactly is to state the effect of the House bill and the effect of the Senate amendments in reference to the reduction in the numbers of clerks. The House bill, after many months of consideration in the Committee on Appropriations, provided for a reduction of twelve hundred in the number of clerks in the various Departments of the Government. The Senate in their amendments acceded to a reduction of three hundred, so that the number of clerks in controversy when the bill went to the committee of conference was nine hundred. The Senate by their second proposition proposed to accede to a reduction of three hundred more, which would make the number of discharged clerks when this bill shall go into effect six hundred, instead of twelve hundred as proposed by the House.

That proposition was rejected by the House conference on the ground that there were some places where the reduction would be very improper if only one-half of the proposed reduction was agreed to; that there might be some places where upon a review by the conferees an additional number should be allowed. The House conferees, or a majority of them, and I think all of them—the gentleman from Ohio [Mr. FOSTER] will correct me if I am mistaken—the House conferees preferred to consider each Department as it was reached in the bill, deciding in regard to each upon its own merits.

In reference to the 10 per cent. reduction of salaries, we have knowledge that the Senate has agreed to waive objection to the principle we have maintained in regard to the salaries of postmasters throughout the United States. According to the report on the post-office appropriation bill, hardly any postmaster is reduced in salary less than 10 per cent., while some of them have their salaries reduced 25 per cent.

Mr. CANNON, of Illinois. Will the gentleman allow me a question? I know he does not desire to misrepresent.

Mr. RANDALL. Certainly not.

Mr. CANNON, of Illinois. I wish to state for the information of the gentleman that the change in the salaries of postmasters from what they were under the legislation of June 23, 1874, the re-adjustment of which under that act would have been made as of the 1st of July this year by the conference post-office appropriation bill passed on yesterday, instead of being a reduction of 10 per cent., is an increase in all cases where the salaries are not above \$1,500 a year.

Mr. RANDALL. The gentleman knows perfectly well that the salaries of postmasters heretofore receiving \$4,000 a year are reduced.

Mr. CANNON, of Illinois. Certainly.

Mr. RANDALL. As I understand it, the House was compelled to compromise with the Senate on a proviso that the reduction should not make the salaries of those receiving \$4,000 a year less than \$3,000. Is not that a reduction of 25 per cent.?

Mr. CANNON, of Illinois. Those above \$1,500 are reduced; those at \$1,500 or below are increased, and the gentleman will bear in mind that of the thirty-six or thirty-eight thousand postmasters largely over thirty thousand have their salaries increased by the bill passed yesterday, the decrease in salary applying only to those postmasters whose salaries are over, say, \$1,500.

Mr. RANDALL. Well, I only stated that upon the principle conceded by the Senate in the post-office appropriation bill the reduction of salaries in some cases was 25 per cent. Under that bill the salaries of ninety or one hundred postmasters who are receiving to-day \$4,000 each would in all probability run down below \$3,000 but for the proviso to which the House had to agree, which stopped the reduction at \$3,000. Thus there are ninety or more postmasters at various places throughout the country whose salaries are reduced 25 per cent., while under this bill we ask a reduction in general of only 10 per cent.

Mr. HALE. Will the gentleman allow me a moment? I was a member of the conference committee which agreed to the post-office bill; and while it is true, as the gentleman says, that the Senate conceded the principle of the reduction of certain salaries, yet it is also true that the salaries of postmasters which are called compensation do not rest upon a fixed provision like the salaries of clerks, some of which have never been changed in the last twenty years.

Mr. RANDALL. I only cited that as an instance of the Senate changing law upon an appropriation bill.

Mr. HALE. The salaries of postmasters have been fixed under a law which allows flexibility, and from year to year under that law those salaries have been increasing so that almost every postmaster in the country is to-day receiving a larger salary than he was two, four, eight, or ten years ago. The fact of these salaries or this compensation constantly leaping up was an evil confronting the Senate.

Mr. RANDALL. That may be; but I want to direct attention to the fact that, while gentlemen are here contending that the salaries of the clerks and employes of this Government shall not be reduced, there is not a branch of general industry, there is not a manufacturing establishment, there is not an individual employing laborers in this nation that is not making an enormous reduction of wages. Only this morning I heard of an instance where in my own region of country compensation has been reduced from \$1.75 a day down to \$1.15 a day—a reduction of 33 per cent.; while in these Departments of the Government we are only asking a reduction of 10 per cent. Now, when these enormous reductions in wages, clerk hire, &c., are being made in every branch of industry throughout the nation, we do not think it an unreasonable position to assume that the clerks and employes of the Government shall have their pay reduced 10 per cent.

Mr. FOSTER. Mr. Speaker, I think a little further statement is necessary to enable the House to understand this question thoroughly. The gentleman from Pennsylvania [Mr. RANDALL] has correctly stated the differences between the conference committees. Now, what is the difference in controversy in dollars and cents? I believe I can state that it is tacitly agreed on both sides that the 10 per cent. reduction of the compensation of members of Congress shall stand. I believe that is tacitly agreed to on both sides, although it has not appeared in the written propositions which have passed between the two conference committees.

Mr. RANDALL. We have not discussed that.

Mr. FOSTER. I believe that is tacitly understood.

Mr. RANDALL. It is embraced in our system of reduction, of course.

Mr. FOSTER. Now, according to the House bill, the reduction of the salaries of clerks will amount, I think, to about \$250,000. That applies to the classes above first-class clerks. None others are touched.

The Senate objects to the House proposition, as I understand, not because it is a reduction of salaries, but because it is a change of law; that the House is undertaking to coerce the Senate into doing something that they do not desire to do by the threat that unless this is done on an appropriation bill the necessary means for the proper running of the Departments of the Government will be withheld. Whether the Senate is right or wrong is for the country to judge. Never yet in the history of this country has one House been able to coerce the other (even on an appropriation bill) to do what in its judgment it thought ought not to be done. In times gone by such an attempt has been characterized as revolution by high democratic authority; and it is safe to say now that it is nothing else than revolution for one House to undertake to compel the other to accept a

proposition embracing new legislation on an appropriation bill that it strenuously objects to, with the threat the wheels of Government must stop unless their assent is given.

For myself, I am willing to say that if I occupied the position of a Senator I would be willing to compromise upon this question; but the Senate, standing on their prerogatives, (and, as I understand, it is a solid sentiment, shared by democrats and republicans alike,) think we are trying to invade their rightful authority.

Mr. RANDALL. I have never seen any record which proves that statement. I can answer for some members of the Senate to the contrary.

Mr. FOSTER. A division on this question has never been asked in the Senate, so far as I know. There has been practical unanimity of sentiment in the Senate.

Mr. REAGAN. The record of yesterday's proceedings answers that question.

Mr. RANDALL. It is not a solid Senate by any means.

Mr. FOSTER. Practically it is. There may be a few Senators who adopt the view of the House; but it is known to the gentleman from Pennsylvania, as it is to me, that many democratic Senators stand with the majority of that body on this proposition.

Now, as to the reduction in the numbers of those employed, a question involving a very large sum of money, many times greater than the difference in salary, it is probable that we can agree, although this morning our side refused to agree to an even division of the differences. I know the Senate is willing to meet us upon this question half way at least, and perhaps more.

So that, Mr. Speaker, the difference, the whole thing we are haggling about, amounts to not over \$250,000. We are (the House) standing upon our original action as to salaries of clerks, and undertaking, as the Senate asserts, to coerce them into the abandonment of a principle dear to them and to us for the purpose of trying to save \$250,000.

The gentleman from Pennsylvania [Mr. RANDALL] has talked about reductions, that these reductions extend to the manufacturing interest. I agree with him. The Senate agree with us. The Senate agree and have shown a practical illustration of their agreement in the reduction and postponement of expenditure. I hold in my hand a table which shows that the Senate, including the deficiency bill, have agreed to a reduction and postponement in the expenditures of \$22,000,000 this year. They feel that they have gone to the utmost limit in the passage of those bills and in agreement to the conference committees in those cases. They say to us they have come toward us and agreed to the extent of \$22,000,000 in reduction, and that therefore we ought not, in order to save only \$250,000, to attempt to coerce them into the acknowledgment of a principle they do not agree to.

The Senate has yielded more than one-half of the differences between the Houses on the two bills, the post-office and Navy. On all questions of discretion, as distinguished from a change of law, they have yielded to the demands of the House, and in the bill we are now discussing they express a willingness to meet us more than half way.

To sum up, then, by their action they reduce and postpone expenditures to the extent of \$22,000,000; they are willing to meet us more than half way on all questions of discretion. So that the expenditures next year will be reduced by the sum of \$25,000,000. Now, shall we undertake to degrade the Senate for the purpose of saving \$250,000 more?

Mr. O'BRIEN. Let me ask the gentleman from Ohio a single question. I believe I have the permission of the gentleman from Pennsylvania.

Mr. RANDALL. Go on.

Mr. O'BRIEN. The gentleman from Ohio first made reference to the solidity with which the Senate stand up and oppose retrenchment and reform in governmental expenditures and also in regard to the conferees on both sides, both on the part of the House and of the Senate, in recent conferences. I desire to inquire of the gentleman, if it is a proper inquiry, and if not he will not reply to it, whether the democratic member of the Senate conferees stands with the democratic members of the House conferees in favor of reduction and retrenchment or whether he sides with the republican Senators?

Mr. FOSTER. I prefer not to answer the question. I suppose it is well known how the democratic conferees stand.

Mr. RANDALL. In many respects the House conferees united against the Senate.

I want to say, Mr. Speaker, as this debate has been somewhat general, that the first proposition came from the two conferees on the part of the House, and not from the minority representation upon the conference; and to-day the conferees on the part of the House have agreed to the first section as offered the other day on the part of the House to the Senate, leaving out the third section; that is to say, allowing these appropriations to be the full sum for this year, and leaving it an open question for future legislation whether they should continue at reduced rates. That, I think, was the united conference on the part of the House. Both propositions, however, were rejected by the Senate conferees.

Mr. KASSON. Before the gentleman sits down, let me ask him a question.

Mr. RANDALL. Certainly.

Mr. KASSON. I want to say that when he says the Senate stands against changing the laws in the direction of economy, and cites their

having yielded the principle upon the post-office bill, I think he fails to detect the distinction he ought to, because the Senate has never refused to concur in the direction of economy, even to changing the laws where their judgment believed it consistent with the good of the service.

Mr. RANDALL. Just let me say a word there—

Mr. KASSON. On the other hand, I wish to ask my honorable friend from Pennsylvania to state whether he, as a representative of the majority, really denies in principle the equal right of the Senate to pass independently upon the propriety and safety to the public interest of a change of the laws; whether he maintains that the House has the right itself to determine for both bodies all change of laws in respect to salaries and number of employes? I have not heard a distinct statement from him on that principle. Does he deny co-ordinate rights to the Senate in making changes in our laws? Does he charge the majority of the House has the right to dictate?

Mr. RANDALL. The Constitution itself makes a distinction between the two Houses, and in respect to revenue measures the House stands, as I think in terms, according to the Constitution, as the superior body.

Mr. KASSON. Simply for the origination of revenue bills; nothing else. Amendment and every other consideration by the Constitution are equal in the Senate. Hence I desire to know—

Mr. RANDALL. At an early period of this session the House determined to change the rule, and only to allow the incorporation upon appropriation bills where the subject-matter was germane and where it was in the line of retrenchment.

Mr. KASSON. I do not think my honorable friend comes to the point, which is: Does he deny as a matter of principle the equal right of the Senate to pass upon laws affecting the numbers to be employed and salaries?

Mr. RANDALL. Now, at a time like this, with prostration all around, we put legislation on an appropriation bill looking to a reduction, an enormous reduction, of the expenditures of this Government, and we propose to stand firmly if we can. I propose, at least, to stand firmly in my vote in favor of those retrenchments.

Mr. KASSON. Will the gentleman simply answer the question? Does he, upon principle, deny to the Senate the equal right with the House to act upon the laws relating to salaries and the numbers to be employed?

Mr. RANDALL. I think the Constitution and the practice and the judgment of this community is that the Senate should defer to the House in these respects.

Mr. KASSON. But does the gentleman deny the equal right of the Senate under the Constitution to pass upon these laws?

Mr. RANDALL. I do not deny its equal power.

Mr. KASSON. And equal right?

Mr. RANDALL. I take all the right for this side that the Constitution gives me. [Laughter.]

Mr. WHITE. Will the gentleman read that part of the Constitution to which he refers.

Mr. HOLMAN. The House does not pretend to deny, of course, that the powers of the two branches of Congress are the same; and no law can be passed and no appropriation of money can be made without the concurrence of the two bodies. But on the question of the appropriation of money there is certainly a distinction and difference between the House and the Senate. The power to originate revenue implies this of itself. The power, the very great power under the Constitution, of originating revenue measures certainly implies also a power to determine for what purposes money shall be raised. It goes one step beyond—

Mr. KASSON. That has always been in dispute, as the gentleman knows.

Mr. HOLMAN. It implies that the House has the power to determine for what purposes revenue shall be raised from the country. And there lies the distinction between the two branches.

Mr. KASSON. That does not involve the amount to be expended for the purposes of the Government.

Mr. HOLMAN. It inevitably does that very thing.

Mr. KASSON. Does the gentleman deny the equal right of the Senate under the Constitution to pass upon such laws?

Mr. HOLMAN. As I remarked, the powers are exactly the same. But the right of the House to originate money bills, and inevitably, as a result of that, the right of the House to determine for what purposes revenue shall be raised, does not leave the two bodies standing on the same footing as to revenue matter, the raising of revenue, and the appropriation of revenue.

Mr. KASSON. When the Constitution says that the Senate has the full power of amendment, does not that imply that it has equal power in the making of laws even for the raising of revenue?

Mr. HOLMAN. I did not precisely catch the gentleman's question.

Mr. KASSON. When the Constitution gives the Senate the full, unrestricted power of amendment, does not that imply that the Senate has equal power in the making of laws for the raising of revenue?

Mr. HOLMAN. The Constitution does not give the Senate that unrestricted power of amendment, but it is under the Constitution an implied power.

Mr. KASSON. It is given expressly in the Constitution.

Mr. HOLMAN. It is an implied power and perhaps an inevitable

power resulting from the relations of the two bodies as co-ordinate branches of the Legislature. But, after all, the Government must concede that the right of the Senate is rather a negative than an affirmative one. The Senate cannot take a bill to raise revenue, a bill for instance to abolish the duty on coal or the duty on tea or coffee, and build upon that a whole revenue system. And if the Senate should build a whole revenue system on a measure, would not the House say at once, the Senate has gone beyond its power, beyond its right; and why? It has trespassed upon a power, upon a right which the Constitution devolves upon the House. Therefore, can the gentleman say that the two bodies are exactly equal in this respect?

Mr. KASSON. Except in the power to originate revenue bills, they are exactly equal. Now, does the gentleman deny the equal right of the Senate under the Constitution except in the origin of bills?

Mr. HOLMAN. I am compelled to go beyond that; else I should go back upon the record and history of this House.

Mr. KASSON. I think so, as regards this session.

Mr. HOLMAN. I should go back on the history of this House in the experience of the gentleman from Iowa, [Mr. KASSON,] who was one of the foremost of the gentlemen who asserted the right of this House as against the assumption of power by the Senate to build a whole revenue system on a single revenue measure which the House had sent over to that body for consideration. In the Forty-second Congress we most emphatically denied the power of the Senate to build up a revenue system on a single proposition in connection with the revenue which the House had sent to the Senate.

Mr. KASSON. The gentleman surely recollects that when the Senate was democratic they passed several appropriation bills when the House was in a dead-lock; they originated appropriation bills, but they did not claim the right to originate revenue measures. The only question I desire to raise now is whether the gentleman from Indiana denies the right of the Senate to refuse to consent to a law fixing the number and the compensation of employes under the Government. Will he answer yes or no?

Mr. HOLMAN. Why, certainly not; but still the gentleman cannot say that the rights of the two bodies are equal as regards measures of revenue. I admit that in the practical results, inasmuch as the Senate must co-operate with the House in the passage of laws and inasmuch as the Senate may under certain limitations amend revenue measures from the House, for the practical purposes of legislation the two Houses must be equal.

Mr. KASSON. Allow me to ask this question: Suppose the House had passed a bill abolishing ninety-nine out of one hundred of the offices of the Government, which would practically abolish the Government itself; would he deny the right of the Senate to refuse to concur in that measure?

Mr. HOLMAN. Certainly not.

Mr. KASSON. That is the whole question.

Mr. HOLMAN. Certainly not; but the gentleman is submitting a proposition which is impossible in the nature of things.

Mr. KASSON. You have approached it very nearly.

Mr. FOSTER. Suppose they abolish one office and leave ninety-nine in the hundred.

Mr. HOLMAN. The gentleman ought not to put an impossible or improbable case. Sir, I remember the time when I heard gentlemen upon the other side of the House speak in different tones, and when a different spirit pervaded that side of the House than that which now pervades it. I heard gentlemen upon that side of the House with absolute admiration when as against the Senate that side of the House maintained every power that is given to the House by the Constitution in behalf of the people against the assumptions of the Senate.

Mr. KASSON. There has been no change of opinion or sentiment on that question on this side of the House.

Mr. WHITE. Will the gentleman from Indiana refer to the Constitution by sections, so that I may be enlightened as to its meaning?

Mr. HOLMAN. The strongest and most manly utterances I ever heard from the other side of the House were when an appeal was made in behalf of the right of the House, in behalf of the people, in behalf of retrenchment and reform against the solid hostility of the Senate to any retrenchment. Gentlemen upon the other side of the House at that day rose up to the occasion, and their speeches are on record in this Congress and are your most eloquent utterances of which the great party of which you are the representatives can now boast.

When the ground was first assumed as to the alteration of laws in an appropriation bill, it seemed to be at the outset a strong position, but a very distinguished Senator, whose name I am not permitted to mention, saw at the outset of this controversy over this bill the impossibility of standing upon the ground that the Senate could safely take the position that appropriations should be only made in conformity with the law, and that the House should not in an appropriation bill seek to change the law; and the reason was this: Take, for instance, a single Department of the Government, the Department of State. There is not an officer in that Department, except its head, who does not derive his existence from an appropriation bill. In 1855 what was known as the Hunter bill did not apply to the State Department at all, and, in that year, in an appropriation bill, the civil and diplomatic, as it was then termed, passed the 3d of March, 1855,

a classification of clerks in the State Department was provided for and the number of officers provided for was twenty-four clerks with salaries amounting, including that of the head of the Department, to \$46,000. The whole organization of the State Department was in an appropriation bill; and I find that in 1860, when the democratic office-holders were satisfied with the pay they received, although you on the other side at that time denounced that salary as too high, as excessive, and that they ought to be reduced, that they constituted too great a burden on the labor of the country, yet investigation shows that while in 1860 the number of employes in the State Department was thirty-four, the salaries amounting to \$58,000, since that time, in appropriation bills, mark you, without one single, solitary instance of general legislation on the subject, the number of employes in the State Department was increased from thirty-four to ninety-two for the present year, and the amount of salaries from \$58,000 to \$123,480, as will appear from the following table:

*Officers and clerks in the Department of State, 1855.*

(Act of March 3, 1855.)

1 Secretary of State .....	\$8,000
1 Assistant Secretary of State .....	3,000
1 chief clerk .....	2,000
8 clerks of class four .....	14,400
8 clerks of class three .....	12,800
2 clerks of class two .....	2,800
3 clerks of class one .....	3,600
<b>Total .....</b>	<b>46,600</b>

1860.

1 Secretary of State .....	\$8,000
1 Assistant Secretary of State .....	3,000
1 chief clerk .....	2,200
1 disbursing clerk .....	2,200
1 superintendent of statistics .....	2,000
8 clerks of class four .....	14,400
9 clerks of class three .....	14,400
3 clerks of class two .....	4,200
3 clerks of class one .....	3,600
1 messenger .....	900
1 assistant messenger .....	700
4 watchmen .....	2,400
<b>Total .....</b>	<b>58,000</b>

1875.

1 Secretary of State .....	\$8,000
1 Assistant Secretary of State .....	3,500
1 Second Assistant Secretary of State .....	3,500
1 Third Assistant Secretary of State .....	3,500
1 chief clerk .....	2,500
1 diplomatic bureau .....	2,400
1 consular bureau .....	2,400
1 bureau of statistics .....	2,400
1 bureau of accounts .....	2,400
1 bureau of rolls and library .....	2,400
1 bureau of indexes and archives .....	2,400
1 translator .....	2,400
12 clerks of class four .....	21,600
6 clerks of class three .....	9,600
11 clerks of class one .....	13,200
13 clerks of class —, \$900 .....	11,700
1 proof-reader and packer .....	1,300
1 lithographer .....	1,200
1 chief engineer .....	1,200
1 assistant engineer .....	1,000
1 chief messenger .....	840
1 assistant messenger .....	720
10 watchmen—1 superintendent at \$1,000; 9 at \$720 .....	7,480
1 conductor for the elevator .....	720
17 laborers, \$720 .....	12,240
14 firemen, \$720 .....	2,880
<b>Total .....</b>	<b>123,480</b>

And I take it that the duties of that Department at least have not been largely, if at all, increased since 1860.

Our foreign relations are not more extended to-day than they were sixteen years ago. Our commerce is not so extended; we have not so many sailors who are to receive the protection and care of our consuls and diplomatic representatives abroad.

The fact is the whole fabric of the State Department should have declined during the last sixteen years, and more especially since the termination of the war; but instead of that decline we find that the salaries in that Department stand now, as compared with 1860, as \$123,480 to \$58,000, and the number of employes as 92 to 34. This argument cuts both ways, or rather in one direction it cuts with double force, indicating first that the pretense that we are changing existing laws by provisions inserted in appropriation bills is entirely without foundation—that is, existing laws independent of appropriation bills. The whole fabric of the State Department, based on the act of 1855, has been built up on appropriation bills, and not a single officer of that Department, except the head of the Department himself, now holds office and receives his salary independent of appropriation bills.

Again, the rapid growth of the number of employes and the rapid increase of the salaries seem to challenge our attention, not of this side of the House alone or of the other side, but of the whole of Congress, as demanding retrenchment, and the reason why you cannot take the classification of clerks as it stood in 1860 is this—

Mr. KASSON. A question on that point before you get away from it.

Mr. HOLMAN. Let me finish this statement; I am not leaving the point. Gentlemen will find that between the head of the Depart-

ment of State and the chief clerk provided for by the act of 1855 there are now intervening no less than thirteen different officers, with salaries amounting to \$24,000—intervening between the chief clerk, who then was next to the second officer of the Department, the Assistant Secretary of State.

Mr. KASSON. Does the gentleman propose to leave out of consideration the growth of the country, the internal-revenue system, the great increase of taxation imposed by the war? Does the gentleman leave all that out of sight?

Mr. HOLMAN. I do not leave it out of sight at all. On the contrary, I am confining my remarks to a single Department, and that Department one not affected by the internal revenue, not affected by the growth of the country, but only by the relations which our country sustains to the other nations of the world. I have selected that Department for the purpose of pointing out the extraordinary growth of clerks and salaries in a Department not affected by the development of our country or by the very remarkable changes caused by the operations of the late war.

Mr. KASSON. Does the gentleman say there has been no increase of our commerce abroad, no increase in the number of consuls and diplomatic officers, no increase in the foreign relations of this Government since the beginning of the war? They have been very nearly doubled.

Mr. HOLMAN. What has been doubled?

Mr. KASSON. The number of questions and the amount of labor of the State Department since 1860.

Mr. HOLMAN. I think the gentleman is mistaken. What new questions of international law have arisen of late years? I admit that for the time the conference of the two great nations at Geneva—

Mr. KASSON. Exactly; the Alabama claims and other questions.

Mr. HOLMAN. That was but a momentary affair and has long since passed by. Our commerce has declined, as shown by the number of our vessels. The protection of the men sailing upon our vessels has come to be of less consequence than it was sixteen years ago. Sixteen years ago we were still the ship-builders of the world.

Mr. KASSON. Does not the gentleman see that it makes no difference whether the goods invoiced are shipped on foreign bottoms or our own, so far as our consular business is concerned?

Mr. HOLMAN. The purpose I had in view when I arose was simply to declare what I understood to be the attitude of this House. The attempt to place this House in even an apparently wrong position will certainly fail before the intelligent judgment of the country. We do not assume that we have any more power than the Senate of the United States. As the representatives of the people we have equal but no greater powers than Senators.

As to practical steps in legislation, our right is exactly equal, except that revenue measures, and the purposes to which the revenues are to be applied, and the purposes for which revenues are to be raised, are measures which must originate in this House. In the halls of legislation the two bodies stand upon the same high ground of constitutional right. And further than that the House is now willing to make every reasonable concession to secure the passage of the remaining appropriation bills. In regard to the bills that have been passed, there has been no reluctance on the part of the House to meet the Senate, as the House has met the Senate for a hundred years past.

Mr. FOSTER. Not quite so long as that.

Mr. HOLMAN. We are even now approaching the grand anniversary of this legislative assembly. *De minimis non curat lex*. The gentleman would scarcely take away from a figure of speech the little time that remains. During all these years the House has met the Senate in deliberation. A committee of free conference is appointed. That very term "free conference" implies the relations of the two bodies. The representatives of this House not only meet the members of the Senate on equal grounds of high public duty, but all the courtesies that belong to the deliberations of great legislative bodies, during the interruption of legislation upon our appropriation bills, have been observed in the past history of our Government.

I do not think the people of this country will be at all deceived as to the present condition of things. This House was elected—not this side alone, but the other side also—this House of Representatives was elected on high pledges of retrenchment in the expenditures of the Government to the end that purity may be restored in the administration of our affairs.

We came here upon that pledge. Do gentlemen want us to back down upon that? Will they do it themselves? Will gentlemen on that side consent that no earnest effort shall be made to fulfill this pledge to the letter? We will insist upon its fulfillment.

Mr. FOSTER. Does not the gentleman know that both sides are insisting? The Senate has agreed to \$22,000,000 of reduction.

Mr. RANDALL. They could have agreed to \$40,000,000 if they had had the disposition.

Mr. HOLMAN. The judgment of the country is that the expenditures of the Government for the present fiscal year, in comparison with the last, should be largely reduced.

Mr. FOSTER. Does not the gentleman concede that the appropriations made by the House bill were in some cases too much reduced?

Mr. HOLMAN. I have already said in the presence of the gentleman, and I will make the statement here if he desires it, that as to

the Surgeon-General's Office I think there should be a slight increase of clerical force. Does the gentleman refer to that?

Mr. FOSTER. I have asked the gentleman the question whether he does not agree that the House bill in some cases reduced too much.

Mr. HOLMAN. Well, I mention that case.

Mr. FOSTER. Are there not others?

Mr. HOLMAN. I do not remember any other.

Mr. FOSTER. I would ask the gentleman particularly about the Pension Office?

Mr. HOLMAN. In reply to that I would say that, if there is any branch of this Government where the vigilance of those controlling public affairs is important in order to secure promptness, it is in that Pension Bureau. While the number of cases to be acted on has been enormously reduced, the clerical force has been immensely increased; yet my constituents tell me, and such is my own experience, that frequently weeks elapse before citizens applying for pensions can even receive information touching their claims.

Mr. FOSTER. Will the gentleman answer my question?

Mr. HOLMAN. I do not understand that an increase of force is required there. What is required is increased application to public duty; nothing else.

Mr. FOSTER. Will the gentleman say that the House bill did not make too great a reduction in the Pension Office?

Mr. HOLMAN. I have said to the gentleman that an increased force is not required there. Increased vigilance on the part of the head of that Bureau is demanded in behalf of every pensioner in the country.

Mr. FOSTER. But do you not cut down the force too much?

Mr. HOLMAN. In that Bureau the force is larger in proportion to the duties to be performed than perhaps in any other under the Government, yet the citizen applying for a pension for wounds received in battle applies in vain for information even.

Mr. FOSTER. And notwithstanding that, the House reduced the force in that Bureau 25 per cent., so that the pensioners will have to wait still longer. Tell that to your constituents.

Mr. HOLMAN. In the Surgeon-General's Office I admit the force ought to be somewhat increased. I have already stated that in the presence of the gentleman from Ohio.

The only object I had in view in these remarks is fully accomplished. I claim that it is the duty of this House, as the representatives of the people, to insist sincerely and earnestly upon every retrenchment demanded in the public service. This is its duty as a House dealing with that august body the Senate, representing the States of this Union.

Mr. CANNON, of Illinois. I would like to ask the gentleman from Indiana [Mr. HOLMAN] one question.

Mr. RANDALL. How much of my hour remains?

The SPEAKER *pro tempore*. Eight minutes.

Mr. RANDALL. I yield five minutes to the gentleman from New York, [Mr. COX.]

Mr. CANNON, of Illinois. I wish to ask the gentleman from Indiana—

Mr. COX. I believe I have the floor.

Mr. HOLMAN. I hope the gentleman from New York will allow me to answer the question of the gentleman from Illinois.

Mr. COX. Very well.

Mr. CANNON, of Illinois. Does not the gentleman from Indiana know that the post-office appropriation bill as it passed the House absolutely increased the salaries of over twenty-five thousand postmasters in the United States, and as finally passed upon the report of the conference committee absolutely increases the salaries of over thirty thousand postmasters?

Mr. HOLMAN. The salaries at the small post-offices are increased.

Mr. CANNON, of Illinois. And it does not decrease the pay of over one hundred postmasters in the whole country.

Mr. HOLMAN. I am very glad to hear the gentleman talk so cheerfully. [Laughter.] He was rather disheartened yesterday. I am glad to find him in a different mood to-day.

Mr. CANNON, of Illinois. Yesterday, when the fact was pertinent, you refused to allow me to state it.

The SPEAKER *pro tempore*. The gentleman from New York is entitled to the floor.

Mr. HOLMAN. I hope the gentleman will allow me to complete my answer to the question of the gentleman from Illinois. The compensation at the smaller post-offices is slightly increased under the bill as passed.

Mr. CANNON, of Illinois. Over thirty thousand postmasters have their salaries increased by the bill.

Mr. HOLMAN. But in its general effect the bill makes a large reduction in salaries, amounting, as we understand, to \$700,000 a year.

Mr. COX. Mr. Speaker, I do not propose to yield to any gentleman, for my time has been cut short. I notice that recently there have been admissions by gentlemen on the other side that at least \$30,000,000 might well be saved over last year by our action this session. That means \$30,000,000 for this one year. Good. Now why did you not thus commence to save as soon as the war closed? If \$30,000,000 can be saved this year, \$30,000,000 could have been saved every year since the end of the war; and somebody—I think I have him in my eye [laughter]—is responsible for \$300,000,000 of excess and extravagance.

Mr. BURCHARD, of Illinois, rose.

Mr. COX. I cannot allow the gentleman to interrupt me. I understand him to make a reference to the life-saving service. It has not been hurt one dollar.

[Here other members rose.]—

I do not propose to be interrupted again by gentlemen who are so prompt to laugh in this House at all efforts at economy. Perhaps they may laugh differently in their several districts next November.

This House is not in the same condition as the Senate on money bills. Any student of our Constitution can tell you that. Any one who will take Judge Story and go back with him to the British constitution for our guidance; any one who will consider the revenue proposition Franklin made in the constitutional convention after coming from England, fixing that peculiar clause which gives us superiority over the Senate upon "money bills," will not duck down to the Senate as before a golden calf for our worship. [Laughter.]

The Senate is a permanent body. It is more permanent than the House. It is not permanent for life, as the House of Peers, but it is permanent in the sense that it is only renewed once in six years.

As Judge Story well said, the House is nearer the people. They have local information. All revenue bills, which, by English construction, mean "all money bills," originate here; and, sir, if we have not the legal and constitutional, we have the moral superiority over the Senate in this relation, and should not defer to the Senate.

How is it in England? There the peers only "assent" to the bills of the Commons. It is a perfunctory arrangement only. They are one of the estates, and are required only as a form. Doctor Franklin, when he brought the English system to our shores, when he comprehended the great question of taxation and representation as affecting the colonies, made the clause in the Constitution according to the English theory. We should stand by it.

Mr. Speaker, I have seen two Congresses battle here bravely against the Senate. They put provisos to "money bills." One in 1855 was the famous Kansas proviso, which cut off the Army in order to kill those barbarous southern codes as well as slavery itself. The House stood by it. It defied a democratic Senate, and went home without the appropriation.

Again in 1865 a republican House was here. Questions about unlawful arrests and *lettres de cachet* came up. Who was the champion of *habeas corpus* and personal liberty then? Henry Winter Davis.

Mr. KASSON. Who was against him?

Mr. COX. I do not know how the gentleman stood. I do not think he was here then. Henry Winter Davis from about the quarter of the House where the gentleman from Iowa now sits rose up and moved an amendment to an appropriation bill, demanding public liberty and personal freedom, *habeas corpus*, release of those illegally tried and bound, and breaking down all illegal tribunals. He was fought by Thaddeus Stevens and a great many members on that side of the House. Points of order were made, but a republican Speaker ruled his proviso in order. We fought here behind him, your lamented eloquent republican leader, for many days and nights until disagreement was inexorably fixed by both Houses; and in the interest of personal liberty the House would not trade off liberty for money!

English history and our history are full of illustrations of the popular and parliamentary power against exactions and tyranny.

Mr. HUBBELL. Will the gentleman allow me to ask him a question?

Mr. COX. Certainly.

Mr. HUBBELL. The gentleman from New York is reported as saying at Saint Louis, "You of the Southern States need no Army until after November, and so far as the Indian wars were concerned, all we had to do was to turn the boys on our frontier loose and they would take care of the Indians." I wish to know whether he stands by that here to-day.

Mr. COX. I do not want to bring Saint Louis here, or anything but that which concerns us in the question as to the power and rights of the House; but what I meant to say there, and what I did say, was this, that we could well afford until after the election—you understand me, my honorable friends of the South—we can very well afford until after the election to keep the Army from the throats of the southern people.

Mr. RUSK. But you did not say that.

Mr. COX. Do you understand what is meant?

Mr. HUBBELL. Will the gentleman be kind enough to explain what he meant.

Mr. COX. I said further, that if you should turn loose the border men you could put down these Indian-contractors' wars a great deal sooner, cheaper, and better.

Mr. HUBBELL. I beg the gentleman's pardon—

Mr. COX. I will not be interrupted.

Mr. HUBBELL. But what I wish the gentleman to explain is—

Mr. COX. I will not be interrupted.

Mr. HUBBELL kept on addressing the House, but could not be heard, as the Speaker *pro tempore* constantly beat his gavel, calling him to order.

The SPEAKER *pro tempore*. The gentleman from Michigan is out of order, and will take his seat.

Mr. COX. When the gentleman asked me to yield to him for a

question I courteously gave him the right to ask his question, and yielding to him I did not expect—but what he was a gentleman.

Mr. HUBBELL. You are not able to tell whether I am or not.

Mr. COX. The House sees it. When I referred to the Indian business I had in mind discussions here. I know these contractors' wars will not put down the Indian troubles. I have said so again and again here, and, if the telegraphic rumors as to the Custer massacre be true, to-day we have another illustration that the insane policy of expending large sums of money for the Army is not the true policy of Indian retrenchment.

I stand here, sir, for retrenchment as the men in the old parliamentary days of England stood by their privilege. They would not grant supplies until retrenchment, liberty, and reform were guaranteed. You remember the old song during the trial of the bishops in South England:

And shall Trelawney die?  
And shall Trelawney die?  
Then forty thousand Cornish men  
Will know the reason why.

I almost quote it by saying:

And shall retrenchment die?  
And shall retrenchment die?  
Then forty million honest men  
Will know the reason why.

[Great laughter and applause.]

Mr. RANDALL. How much of my time have I left?

The SPEAKER *pro tempore*. The gentleman's time has expired.

Mr. GARFIELD. I hope the time will be extended further.

Mr. PAGE. I appeal to the gentleman from Pennsylvania to let the time be extended.

Mr. RANDALL. I ask for a vote. I demand the previous question on the adoption of the report of the committee of conference.

Mr. PAGE. What is the first question?

The SPEAKER *pro tempore*. It is on agreeing to the report of the committee of conference.

Mr. PAGE. I ask the gentleman from Ohio be allowed five minutes by unanimous consent.

Mr. RANDALL. I demand the previous question.

The House divided; and there were—ayes 113, noes 75.

The SPEAKER *pro tempore*. There is a second to the previous question.

Mr. PAGE. No; I demand tellers.

Mr. MILLIKEN. I hope the gentleman from Ohio will be allowed five minutes.

Mr. RANDALL. I am urging this bill at the personal request of the Senator from Maine.

Mr. PAGE. Never mind the Senator from Maine; the House has some rights here.

Mr. RANDALL. I am carrying out the promise I made to the Senator from Maine.

Mr. PAGE. But this House has some rights.

Mr. RANDALL. The gentleman from Maine made a personal request to me that I would hurry this bill back to the Senate, and I am trying to do so in the interest of the public business.

Mr. PAGE. Yielding five minutes to the gentleman from Ohio will not make much difference.

Mr. FOSTER. It will save time if the gentleman will yield to the gentleman from Ohio.

Mr. HOLMAN. I trust my friend will allow five minutes.

Mr. PAGE. I hope the gentleman from Pennsylvania will not object to yielding five minutes to the gentleman from Ohio.

Mr. RUSK. No; he wants ten minutes.

Mr. PAGE. I will pledge the gentleman that it will not delay the passage of this bill as much as by refusing to yield.

The SPEAKER *pro tempore*. Order must be preserved, and gentlemen will resume their seats. Does the gentleman withdraw his demand for the previous question?

Mr. RANDALL. No; I do not.

The SPEAKER *pro tempore*. The Chair will appoint the gentleman from Pennsylvania [Mr. RANDALL] and the gentleman from California [Mr. PAGE] as tellers.

Mr. SPRINGER. Tellers were not ordered; a quorum voted.

Mr. RANDALL. It does not matter to me whether the bill stays here all day.

The House divided; and the tellers reported—ayes 92, noes 3.

Mr. KASSON. There is no quorum.

Mr. SPRINGER. I move there be a call of the House.

Mr. PAGE. I move the House adjourn.

The SPEAKER *pro tempore*. The House refuses to adjourn.

Mr. PAGE. I demand the yeas and nays on that motion.

Mr. RANDALL. Let them go on filibustering.

The yeas and nays were not ordered.

The House refused to adjourn.

Mr. SPRINGER. I move there be a call of the House.

The motion was disagreed to.

Mr. PAGE. I move the House adjourn, as there is no quorum voting.

The House refused to adjourn.

Mr. GARFIELD. I rise to address the House on the question now

pending. The previous question has not been called, and I am in order.

The SPEAKER *pro tempore*. The House is dividing on seconding the demand for the previous question.

Mr. GARFIELD. But it has not been seconded.

The SPEAKER *pro tempore*. The gentleman cannot have the floor except by unanimous consent.

Mr. GARFIELD. Very well; I am very comfortable.

The SPEAKER *pro tempore*. There is nothing in order except the motion for a call of the House, the last motion being the motion to adjourn.

Mr. GARFIELD. I wish to say, by unanimous consent, there is no disposition to delay, but when a gentleman rises and makes a decided attack upon the late chairman of the Committee on Appropriations, pointing directly to him, I have never before known the ordinary sense of fair play shut off a brief reply. That is all I ask.

Mr. RANDALL. When this subject was before the House the other day, nearly all the time was consumed by gentlemen on the other side.

Mr. GARFIELD. But there was no personal attack like that which has transpired to-day.

Mr. RANDALL. I am hastening this bill at the suggestion of the Senate.

Mr. COX. I hope the gentleman from Ohio will be allowed to go on, if I am allowed to answer him.

Mr. GARFIELD. That is all I ask.

Mr. RANDALL. Mr. Speaker, I propose, if these gentlemen want to fight it out, to give them five minutes on each side.

Mr. GARFIELD. I want ten minutes.

Mr. RANDALL. Very well; I am willing to yield ten minutes to each one of these gentlemen, but I do not want to be held responsible for delaying the appropriation bills.

Mr. HALE. That is fair.

The SPEAKER *pro tempore*. The gentleman from Pennsylvania has demanded the previous question. By common consent, ten minutes is allowed to the gentleman from Ohio and ten minutes to the gentleman from New York to reply.

Mr. COX. I do not think I will require that time.

Mr. CANNON, of Illinois. The gentleman has had ten minutes already.

Mr. GARFIELD. The gentleman from New York [Mr. Cox] closed with a direct charge upon the management of appropriations by this House in recent years, stating that we had not made reduction of expenditure, and wanting to know why we had not done it; why we had delayed until these honest men came into power? This is the charge to which I rise to respond. I would like to know where the gentleman has been during these last ten years. I would like to know what he has read, and what he has heard, and what he has remembered of what he has read and heard that justifies him in making a statement like that on his responsibility and sending it out to the country. Does the gentleman not know that in the year 1865 the expenditures of this Government were twelve hundred and ninety-seven and one-half millions? And why were they twelve hundred and ninety-seven and one-half millions? Because eleven States, and all the assistance that the eleven States could get from those that would not help prevent the rebellion, piled up the enormous debt of three and a half billions of dollars for the faithful people of this country to pay. That load heaped upon the shoulders of the laboring-people of this country an honest nation felt bound to pay. Did he and his associates help prevent it? Or rather did not all who joined him in political opinions help pile up the debt which the nation was compelled to pay? Let the responsibility for these grievous expenditures rest where the events of our history have placed it.

I say twelve hundred and ninety-seven and a half millions were paid over the national counter in 1865. Of course it was an extraordinary amount. But in 1866, the year following the war, five hundred and twenty millions were paid out of the national Treasury to meet the necessary expenditures of the war and the Government. What since? We have steadily reduced expenditures in every year of the last ten, except two, in which there was a slight increase, from five hundred and twenty millions in 1866 down to two hundred and sixty-three millions in 1876, just closed; so that in the fiscal year that closed last week the expenditure was one thousand and thirty-four millions less than in the year 1865, and two hundred and fifty-three millions less than the expenditures for the year 1866. There has been a steady, constant reduction toward the level of peace, and the gentleman knows it if he is not party-blind to every fact in his country's history.

Let him turn to official analysis made at the Treasury of the total appropriations made by Congress at its last three sessions, and he will find that the total appropriations in the annual bills for 1874 were \$172,000,000, and for 1873 were \$155,000,000, and for 1876 were \$147,000,000, a reduction in actual appropriations of more than \$25,000,000 in three years. No man who is familiar with the subject will deny this.

The gentleman knows that for the last three years we have been fighting a constant battle in favor of the reduction of expenditures, and his colleagues know it. And he knows, moreover, that when we were overwhelmed by propositions to enlarge public buildings and to begin great expenditures for the construction of new ones, he was

among the foremost of New York Representatives to plunge us into the expense of a great post-office building in his own city—a good work, a work that ought to have been done, perhaps—but he was the foremost in pressing it upon the House, as well as the public building at Albany, for the benefit of his people. And when, two years ago, the chairman of the Committee on Appropriations, instructed by the committee, attempted to restrict the great expenditures on public buildings, a joining of forces on his side of the House with many on this side prevented it. It comes, then, with an ill-grace from him to rise up in his place and taunt us with having made no more reductions than we have made, and denying even those we did make.

Now, Mr. Speaker, when the gentleman goes away to a distant, turbulent, stormy, popular assembly, and talks about sixty-four millions of reduction by his party in this House below the estimates, and thirty-nine millions of reduction below last year, does he know whereof he affirms? Does he not know that four millions of that sum have no right to be named as reduction, because it is a re-appropriation of unexpended balances that does not appear in the footing, but is as really an appropriation as though it were now made for the first time? Does he know that this House left out \$2,000,000 required to pay the judgments of our Court of Claims and of the Supreme Court of the United States, and that if they mean to leave it out they mean to repudiate the solemn obligation of the Government? And he calls that a reduction of expenses! Here is a great public building in progress of construction for which the estimates for next year are \$1,300,000, to save the precious records of the War and Navy Departments. The House appropriates but \$200,000, I believe, and calls that a saving a million! Let the Navy and the War Departments burn, and where will the saving and the responsibility appear? If that is what the gentleman calls saving and if he goes out before the country and proclaims that as their honest saving, the country will know it and will understand the object and purpose of a pretense.

And what does the gentleman mean when he goes to a great stormy popular convention and says the Army can be dispensed with until November next and the pioneers can get along with the Indians alone? The bloody answer will come as it came yesterday, when hundreds of our soldiers fell down in death, with Custer at their head, because we have not an adequate army to restrain the savages of the West.

Mr. RANDALL. Why are you using the Army in the Southern States instead of sending them to the frontier?

Mr. GARFIELD. While these scenes are transpiring, the gentlemen on the other side are proposing still further to cripple our gallant little Army, break its spirit, and make it inefficient for the protection of our frontier. And all that, Mr. Speaker, because these gentlemen are preparing for an election; and when it is over they will come back to this place and make up by deficiency appropriations what they now refuse to provide for the manifest necessities of the public service.

They know that I will join them, notwithstanding their party zeal, in all honorable measures to reduce expenditures where reduction is possible. I have complimented them for all their reasonable reduction, because I believe they can reduce to the extent of fifteen or eighteen millions below the figures of last year. Now to-day we are informed that the Senate agrees to go to that extent and more; that the Senate expresses its willingness to go to twenty millions of reduction, which is all that the imperative necessities of this Government will permit; and yet these gentlemen are seeking to make the impression upon the country that they are the honest men, and that they are saving for the honest, hard-working people, when in fact they are attempting to delude the people by a pretense and a sham when they claim that they can reduce the necessary expenditures by the sum of \$39,000,000.

Now, I happen to know that a large number of the very best and most thoughtful gentlemen on that side of the House do not approve of this policy. They do not indorse your conduct in that regard, but they submit to it for the sake of peace. They are men who agree with you in your political doctrines, but desire at the same time to discharge their duty as loyal representatives of the people; and you will find it out after the election, if not before.

Now, when the gentleman from New York comes here and undertakes to blacken the reputation of a worthy body of which he has long been a member, when he undertakes to cast discredit on men whom he knows have worked faithfully in the line of retrenchment, he must consent to be told that his statements are unfounded in fact and unworthy of this place.

Mr. COX. I do not object to being told anything by the gentleman. When I held the gentleman from Ohio responsible for the expenditures of the last four years, I did it because he had been chairman of the Committee on Appropriations during the past two Congresses. Does the gentleman not know how he has been increasing the expenditures of the Government, since he has had charge of them, in the aggregate? No little refinement on details can hide the facts from the country. I do not, sir, understand the sensibility of the gentleman. Because I chose to fix the responsibility where it belongs, how does it blacken the gentleman? Men are not blackened on account of mere fiscal mistakes. Because men commit a rape on a cloud of statistics it does not follow that they are corrupt. It only shows that they are not statesmen. Men are blackened otherwise. In case they have failed to recognize the needs of a suffering and paralyzed coun-

try they are regarded not as bad, but weak; and therefore when the gentleman says that he has been engaged in cutting down expenditures, I fix the responsibility upon him in that respect. In the year 1872 the expenditures were about \$153,000,000. Was that reduced then under the auspices of the gentleman? In 1873 the expenditures ran up to \$180,000,000. In 1874—I still speak of the time of the gentleman's administration of economy—how was it? The expenses amounted to over \$194,000,000. Am I not correct? Did it not require after such a record a good deal of audacity for the gentleman to call me to account for voting appropriations which I never voted for public buildings? I did not lead off in favor of the appropriation for the post-office in New York; but let that go.

Mr. GARFIELD. Your statement is not a correct one, and the chairman of your committee will tell you so.

Mr. COX. The chairman of the committee tells me that I am correct. I have examined the record. I am glad to see that the gentleman talks now "with bated breath and whispering humbleness." Here is the report on finance, page 577, Forty-fourth Congress, first session, Executive Document No. 2. It is all regularly from the Treasury, and proposes to give us the statement of expenditures—civil list, miscellaneous, military service, pensions, Indian, naval, &c., and in one column, when the gentleman began his appropriations, it has these net figures:

1871-'72 .....	\$153,037,346 15
1872-'73 .....	180,229,971 32
1873-'74 .....	194,217,210 27

Perhaps the gentleman will take some other opportunity to explain this over again. But did he not say the other day that we could save this year \$15,000,000 or \$18,000,000? Who was it on the other side of the House who said we could save \$30,000,000? Ah, it was the distinguished financier from Ohio [Mr. FOSTER] who is sitting by his colleague [Mr. GARFIELD] now to prompt him. It was he who said that we ought to save \$30,000,000 this year. Now, this is quite a difference between these two gentlemen. Is it \$18,000,000 or \$30,000,000? Which one of them is right? One or the other or both must be wrong; and yet they must be in a right direction. Keep along, gentlemen, and you will find out the truth. I did state at Saint Louis that we had reduced the estimates submitted by your administration \$64,000,000, and the appropriations over last year nearly \$40,000,000. I am thus instructed by gentlemen here who know all about it; and it will go to the honest men of Ashtabula and Fostoria, Ohio. [Laughter.]

I suppose the gentleman from Ohio wants to make these "eleven" southern States a scape-goat to carry into the wilderness the sins of the republican party. Have they not sacrificed enough? Must they again sacrifice for their ten years of radical suffering? There has been a time of profound peace since the treaty was made at Appomattox Court House. All the disturbances that have existed since that time in these States have resulted because of wrongful and vengeful interference with the self-government of the States and people.

You talk about the Army; why, a portion of it, its generals at least, are rollicking now at the Centennial in Philadelphia while Custer falls in the wilderness. You say that we have not troops enough and that this House cuts them off. Where are the 25,000, not yet diminished by our legislation, who constitute our Army? Three thousand of them and more are in the States of Mississippi and Louisiana, and in other Southern States. What are they doing there? There is no revolt there, no rebellion, no election yet. And only two thousand men are sent out to fight the wild Sioux Indians. I cannot understand what the gentleman means when he says that the Army needs to be increased. It has not been decreased as yet. Does he want more troops in the South than there are there now; I mean outside of the Texas border? Does he want still to punish these "eleven States?" If the purpose is to carry the elections in that forceful way, then for another reason forty millions of people will understand the "why."

I have already taken, sir, more time than I intended. I did not intend to be drawn into this last debate; but the gentleman made it personal because I had fixed the responsibility of this increase and large expenditure of money since the war. Suppose, according to his own idea, that we can save fifteen or eighteen million of dollars this year, or double that amount, according to his colleague, [Mr. FOSTER;] then during the last ten or eleven years since the war the republicans are responsible for the excess of expenditures.

We know that all through our civil administration there has been a riot of prodigality, not to speak of a system of badness, unearthed by our committees and which the people will stigmatize. In the name of purity and reform, I trust in them, next after God, for our salvation. Our hope is in their ballots to be given in November next for the election of an honest man, now governor of the State of New York, Samuel J. Tilden! [Applause and laughter on the floor and in the galleries.]

Mr. RANDALL. I want to answer a statement made by the gentlemen from Ohio [Mr. GARFIELD] as to the Army; I only want a minute or two.

Mr. COX. I will yield the remainder of my time to the gentleman from Pennsylvania, [Mr. RANDALL.]

Mr. RANDALL. The gentleman from Ohio [Mr. GARFIELD] has said that this House attempted to cripple the Army. I desire to state

what this House has done in that respect. The gentleman from Ohio when he was chairman of the Committee on Appropriations year before last failed to appropriate enough to pay the Army by \$500,000. Last year he failed to appropriate money enough to pay the Army by \$900,000, arbitrarily cut off, as I am informed. We have supplied both these deficiencies.

And more, the bill which the House passed in reference to the Army makes it more efficient. It increases the cavalry force of the Army by twenty-three hundred men, to be used on the frontier, and provides that the reduction of the Army shall be only in the infantry and artillery, which are of no use comparatively for the protection of the frontiers and our border settlers. Therefore, this House has not only paid the Army that to which they were entitled at the hands of the gentleman from Ohio for two years, but we have augmented that branch of the Army which alone can be used to defend General Custer and those brave men who on yesterday fell in behalf of the border pioneers. So much for his accusation against this House in connection with the Army. The action of the Committee on Appropriations, except in one or two particulars, has met the approbation of all the officers of the Army.

Mr. GARFIELD. Allow me to say that we appropriated last year exactly what was asked for for the pay of the Army, and the failure, if there was any, was in the estimates.

Mr. RANDALL. No matter what you did. I am apprised by the Pay Department that the \$900,000 was arbitrarily cut off, and no reason given for it. At all events, the fact stands forth that the money was not given to the Army, and for nearly a year they had to go without two weeks of their pay, and would have gone for a month this year without appropriations to pay them but for the action of this House.

Mr. FOSTER. I would like to have the gentleman tell the House what kind of appropriation was made to pay that deficiency?

Mr. RANDALL. I will tell you. The Paymaster-General did not know how to pay. I went up there and delved among their books and found that a year or two ago they had appropriated too much for other items. We re-appropriated that amount for the pay of the Army, which for two years you had neglected to appropriate an adequate amount for. I now call for the previous question.

The previous question was seconded and the main question was ordered.

The question was upon the motion of Mr. RANDALL that the House further insist upon its disagreements to the amendments of the Senate to the legislative appropriation bill and ask a further conference.

The motion was agreed to.

Mr. RANDALL moved to reconsider the vote just taken; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

The SPEAKER *pro tempore* appointed as the conferees on the part of the House Mr. RANDALL, Mr. MORRISON, and Mr. KASSON.

#### ORDER OF BUSINESS.

Mr. LAWRENCE. I must now resume the floor.

Mr. RANDALL. I would like to have the gentleman from Ohio, [Mr. FOSTER,] a member of the Committee on Appropriations, report two bills of the Senate, both of which are worthy charities, and which I think will cause no debate.

Mr. LAWRENCE, of Ohio. I will yield for that purpose.

#### JOHN T. KING AND L. B. CUTLER.

Mr. FOSTER. By direction of the Committee on Appropriations I report back, with an amendment, the bill (S. No. 872) for the relief of the family of the late John T. King and of L. B. Cutler.

The preamble recites that John T. King, lately employed as a carpenter and cabinet-maker about the Capitol, while in the discharge of his duties, was killed by an explosion of gas in the closet under the eastern stairway of the Senate, leaving a wife, three children, two grandchildren, and a mother-in-law without any means of support; and that L. B. Cutler, principal assistant in the folding-room of the Senate, was so injured, at the same time and under the same circumstances, as to be disabled for life, having a wife without means of support, and a mother to whose support he has partly contributed.

The bill therefore appropriates the sum of \$3,000 for the aid and support of the family of the late John T. King, and the further sum of \$3,000 for the aid and support of L. B. Cutler, to be paid to the Secretary of the Interior in trust for the above-mentioned purposes, who may, at his discretion, pay the same to the respective parties in annual installments, or all in one payment, or invest the same for their benefit, as he may think most expedient; provided that a further sum equal to the amount of the previous regular compensation of King and Cutler from the 19th of May to the 30th of June, inclusive, is appropriated, to be expended immediately by the Secretary of the Interior in the manner above stated.

The amendment reported by the Committee on Appropriations was to strike out the proviso of the bill.

The amendment was agreed to.

The bill, as amended, was then ordered to be read a third time; and it was read the third time, and passed.

Mr. FOSTER moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

## REMOVAL OF REMAINS OF HON. E. RUMSEY WING.

Mr. FOSTER also, by unanimous consent, reported back from the Committee on Appropriations, with a recommendation that it pass the bill (S. No. 382) to appropriate \$1,000 to remove the remains of Hon. E. Rumsey Wing, late minister to Ecuador, from Quito to the cemetery at Owensborough, Kentucky.

The bill was read. It appropriates for the purpose named in the title \$1,000, out of any money in the Treasury not otherwise appropriated, to be used under the direction of the Secretary of State.

The bill was ordered to a third reading, read the third time, and passed.

Mr. FOSTER moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

## MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. SYMPSON, one of their clerks, requested the House to return to the Senate the bill (S. No. 892) to encourage and promote telegraphic communication between America and Asia.

## IMMIGRATION.

Mr. COX. I beg to say that the commissioners of emigration of the State of New York are here, and desire a conference with the Committee on Commerce to-morrow on the question of immigration. The Supreme Court of the United States has recently decided that all the State legislation by which this subject has heretofore been regulated is unconstitutional and void. There is some urgency, therefore, that Congress shall provide the needed legislation on the subject. I therefore ask unanimous consent to present the memorial of the commissioners of emigration, to be printed in the RECORD and referred to the Committee on Commerce; and also to introduce a bill on the subject, to be referred to the same committee.

There being no objection,

Mr. COX presented the following memorial; which was referred to the Committee on Commerce, and ordered to be printed in the RECORD:

Memorial of the commissioners of emigration of the State of New York.

To the Senate and House of Representatives of the United States in Congress assembled:

The commissioners of emigration of the State of New York, in obedience to the instructions contained in the following resolution of its Legislature—

"Resolved, (if the Assembly concur,) That the commissioners of emigration are hereby instructed to call the attention of the Congress of the United States to the present condition of the emigration laws, resulting from the decision of the Supreme Court of the United States declaring the State laws on that subject unconstitutional and void, and to impress upon Congress the necessity for speedy national legislation in regard thereto, and the said commissioners take such steps as in their judgment may be proper to secure such legislation"—

offer for the consideration of your honorable bodies the following statements and statistics:

From the month of May, 1847, up to the 20th day of March, 1876, the legislation of this State provided in substance that the captain, consignee, or owner of every vessel arriving at the port of New York from a foreign country, having on board as passengers immigrants or persons not citizens of the United States destined for the city of New York, should give a bond to the people of the State in the penal sum of \$300 for each of such passengers, conditioned to indemnify every city, town, and county in the State against any charge or expense on account of the passenger named in the bond within five years from arrival. The parties interested in the vessel had, however, accorded to them by the same legislation the right to commute for this bond by paying a certain sum (which varied at different periods, the highest being \$2.50 and the lowest \$1.50) to the commissioners of emigration, whose duty it was made to pay out of this commutation fund the expenses which any city, town, or county of this State might incur for any alien passenger who might have arrived at the port of New York within the previous five years. The commissioners were also empowered to purchase land and erect whatever buildings the exigencies of immigration might demonstrate to be necessary for the care, support, and protection of such immigrants within the same period.

In the year 1847 the commissioners begun and for many years after continued to purchase lands on Ward's Island and to erect buildings thereon for the care and treatment of the sick and diseased and the support and maintenance of the necessitous among such immigrants.

These lands and buildings were purchased, erected, and have been and continue to be used exclusively for immigrants who have paid commutation-money and have arrived at the port of New York within five years from the date when they require and seek care or support from the public authorities.

The commissioners have also leased from the city of New York and occupied since the year 1855 the wharf and the made land adjoining the Battery in said city known as Castle Garden, and have inclosed it for the purpose of a landing depot for immigrants, whereby they have been enabled to afford protection to them against the frauds and depredations of emigrant-runners and other marauders who had combined to defraud and pillage the simple and unsuspecting strangers of whom the enormous mass of immigration to this country has been chiefly composed.

The following is briefly the mode of proceeding and operations at Castle Garden: After examination of their luggage on shipboard by the customs officers, the immigrants are transferred to this landing depot, where they are received by officers of the commission, who enter in registers kept for the purpose all necessary particulars for their future identification. The names of such as have money, letters, or friends awaiting them are called out and they are put into immediate possession of their property or committed to their friends whose credentials have first been properly scrutinized. Such as desire can find clerks at hand to write letters for them in any European language, and a telegraph operator within the depot to forward dispatches. Here, also, the main trunk lines of railway have offices, at which the immigrant can buy tickets and have his luggage weighed and checked; brokers are admitted (under restrictions which make fraud impossible) to exchange the foreign coin or paper of immigrants; a restaurant supplies them with plain food at moderate prices; a physician is in attendance for the sick; a temporary hospital ready to receive them until they can be conveyed to Ward's Island; those in search of employment are furnished it at the labor bureau connected with the establishment; such as desire to start at once for their destination are sent to the railway or steamboat, while any who may choose to remain in the city are referred to boarding-house keepers admitted to the depot, whose charges are regulated under special license, and whose houses are kept under constant and rigid supervision by the commission.

These services are rendered without any fee or compensation whatever to the commissioners.

The experience of the commissioners demonstrated the fact at an early day that a large percentage of the immigrants would either on their arrival or within the prescribed five years become chargeable to them as sick and diseased or as unable to support themselves. Under the influence of this fact the lands and buildings before mentioned were purchased and erected.

The establishment of Ward's Island, a beautiful and salubrious island in the East River to the north of Hell Gate, where sick and destitute immigrants are cared for until able to proceed to their destination, embraces over one hundred and twenty acres of land, whereon have been erected by the commissioners hospitals and refuge buildings, chapels, a school-house, and workshops of various sorts, in all about forty separate edifices, costing upward of \$1,000,000. The main hospital has accommodation for five hundred patients, and is admitted to be, in plan and internal arrangements, one of the finest in the world.

The following statistics will show your honorable bodies the extent and importance of the services rendered by this State commission since its organization:

Number of alien immigrants arrived at the port of New York from May 5, 1847, to December 31, 1875, for whom commutation money was paid, 5,532,808.

Of which number the commissioners of emigration provided and cared for out of the emigrant fund for a greater or less period during the five years subsequent to arrival 1,717,838, as follows:

Number treated and cared for in the institutions of the commissioners of emigration, 547,309.

Number supplied temporarily with board and lodging and money relief in the city of New York, 485,669.

Number provided with employment through the labor bureau at Castle Garden, 400,187.

Number forwarded from Castle Garden to destination in United States and returned to Europe at their own request, 58,122.

Number relieved and provided for in various counties and institutions of this State at the expense of the commissioners of emigration, 228,651.

Many immigrants who on arrival have passed out of the State of New York to other States, possessed of strength and money, and who through various causes had suffered or lost both, soon after have been returned to this State and become a charge on this commission, and have been not only cared for in its institutions, but many on request have been returned at its expense to their native land. And in numerous cases immigrants destined for other States who have arrived here sick have been cured in the hospitals of the commission, and then dispatched to their destination to enrich other parts and communities of this country with their money, capital, and labor value unimpaired.

Ever since the tide of emigration first set strongly toward the United States the city of New York has been its chosen gate-way. Statistics show that of the immense European emigration the benefits are shared by many of the old and by all the new States, while the disadvantages have been principally borne by those on the Atlantic. To the West for the most part go the strong and vigorous immigrants, who become the bone and sinew of the agricultural population. The poorer, weaker, and less enterprising remain behind at or near their port of arrival. Whatever burden is imminent from the indolence of this latter class, and whatever danger is threatened from their diseases, the sea-port States must first encounter. It would seem, then, that the expensive and elaborate provision made for these exigencies, gradually perfected through many years, ought not to be cast aside and lost, but should be maintained.

The beneficent operations of this commission in the protection it has extended, the information it has imparted, the care it has exercised, and the support it has afforded to immigrants became by various means and through numerous channels well known many years ago throughout Europe. Some of the greatest of the impediments to leaving birth-place and friends to seek a new home in a foreign country, thousands of miles away, to wit, the uncertainties surrounding arrival, the dangers or apprehensions about the journey to the point of destination, increased a hundred-fold by ignorance in many cases of the language and in nearly all of the geography of the country, were thus removed, and immigration thereby encouraged and greatly increased. Indeed it has become a common fact that under and supported by the influence of this knowledge of the action and scope of the authority of the commissioners of emigration tens and hundreds of thousands of immigrants have disembarked at Castle Garden with no more anxiety or apprehension concerning themselves, their property, or their journey than the cabin passengers by the same vessels.

In January last the question of the validity of the statutes of this State, which required the bond and permitted the commutation of it, as stated in the early part of this communication, was brought up for argument and decision in the Supreme Court of the United States, and after elaborate argument and long consideration by the justices of this court these laws were in March last adjudged unconstitutional and void.

This adverse decision terminated at once the contributions to the fund by which the commissioners had been enabled to discharge the humane duties for which they were constituted, and in May last their available means became exhausted. The Legislature, influenced by the pledge implied in the receipt by its officers of the commutation money in former years that the immigrants on whose account it had been paid should receive its protection, care, and support, when needed, for five years from their arrival, appropriated, after this decision had been received and acted upon by the ship-owners, a sufficient sum from the State treasury whereby the commissioners will be able to redeem its faith for the year ending the 1st day of May, 1877. No provision, however, has been made for immigrants arriving subsequent to the promulgation of the judgment of the Supreme Court.

Miller, justice, delivering the opinion of the court, says in regard to the legislation of this State under consideration: "We are of opinion that this whole subject has been confided to Congress by the Constitution; that Congress can more appropriately and with more acceptance exercise it than any other body known to our law, State or national; that by providing a system of laws in these matters, applicable to all ports and to all vessels, a serious question, which has long been matter of contest and complaint, may be effectually and satisfactorily settled."

This decision affects not only the State of New York, but all other Atlantic States, and throws their ports wide open and leaves them unprotected against the introduction and subjects their people to the expenses of immigrants who at the time of their disembarkation may be sick, diseased, disabled, or who, before they leave the State in which they may have arrived, become from any cause a public charge. It also removes from the interior States, to which any of these immigrants may have gone, the right to return them, when necessitous, to the port or State of arrival. The reason which justified such return consisted in the receipt of commutation money and the pledge implied thereby. It has now been swept away by this decision and ceases to exist.

The entire country is therefore interested in this subject and in need of national legislation in regard to it.

Under these circumstances the commissioners of emigration of this State have had correspondence with the boards of charities or other proper officials of other States as to the principle and form of a law to meet the changed condition and present exigencies of the immigrant question. The result of this consultation has been a bill accompanying this communication, which is submitted for the consideration of your honorable bodies.

The lands and buildings above mentioned, on Ward's Island, and the landing depot at Castle Garden, are still in use, the former for immigrants who have arrived within five years previous to the decision of the supreme court, and for or on ac-

count of whom commutation money has been paid, and the latter for all arriving immigrants. They may be utilized in the future as they have been in the past, if the means to maintain them be provided. This can be done through the vessels bringing immigrants to the United States by Congress alone.

The experience of twenty-nine years with immigrants of all classes, conditions, and countries has matured a system which is in successful operation at this port. It is operated by officers, physicians, clerks, and other employes who have been engaged for years in the service, and are familiar with all its intricacies, peculiarities, and requirements, and if it be permissible here to speak favorably of an establishment instituted and carried on by these commissioners and their eminent predecessors, it seems to them that it would be of incalculable advantage to the immigrants hereafter arriving at the port of New York to maintain for them the arrangement which benevolence at first suggested, great intelligence organized, and much experience has matured, and that those of the United States to which the tide of immigration flows will reciprocally with the port States be the gainers by the provisions made by the latter for the receipt and treatment of sick or diseased immigrants on their arrival, and the establishments existing to secure them against frauds and depredations, or to maintain them if they come to require public aid or support.

Board of commissioners of emigration of the State of New York:

GEO. I. FORREST,

*President.*

HENRY A. HURLBUT.

GEORGE STARR.

DANIEL MAJER.

GEORGE W. QUINTARD.

W. H. WICKHAM,

*Mayor of the city of New York.*

JAMES LYNCH,

*President of the Irish Emigrant Society.*

FREDERICK SCHACK,

*President of the German Society.*

NEW YORK, June 28, 1876.

Mr. COX also, by unanimous consent, introduced a bill (H. R. No. 3853) to regulate immigration; which was read a first and second time, referred to the Committee on Commerce, and ordered to be printed.

#### COMMISSION BETWEEN UNITED STATES AND VENEZUELA.

Mr. SPRINGER, by unanimous consent, reported from the Committee on Foreign Affairs the following resolution; which was read, considered, and agreed to:

*Resolved*, That the Committee on Foreign Affairs be authorized to print the evidence taken by said committee in relation to the petition of Seth Driggs and the mixed commission between the United States and Venezuela, and the report accompanying the same.

#### SAINT PAUL, MINNESOTA, A PORT OF APPRAISAL.

Mr. DUNNELL. I ask unanimous consent to report from the Committee on Commerce the bill (S. No. 413) establishing the port of Saint Paul, Minnesota, as a port of appraisal. This bill has the unanimous approval of the Committee on Commerce.

The bill was read. It provides in the first section that the provisions contained in, and the privileges accorded by, sections 2990, 2991, 2992, 2993, 2994, 2995, 2996, and 2997 of the Revised Statutes be extended to, and held to include, the port of Saint Paul, in the collection district of Minnesota.

The second section provides that the appraiser at the port of Saint Paul shall receive the same amount of salary that the deputy collector of that port now receives.

Mr. RANDALL. I believe this bill ought to go to the Committee of the Whole.

The SPEAKER *pro tempore*. It is subject to that point of order if the gentleman makes it. It creates a new office and provides for an expenditure of money.

Mr. DUNNELL. It does not increase expenditures. It simply provides that the officer created by this bill shall receive the compensation that an existing officer now receives.

Mr. RANDALL. It makes an increase.

Mr. DUNNELL. It does not involve any increase of expense. It is so stated by the Secretary of the Treasury. The bill is the unanimous report of the Committee on Commerce. I trust the gentleman from Pennsylvania will not insist on his point.

Mr. RANDALL. It increases the number of officers.

Mr. DUNNELL. It does not.

Mr. RANDALL. Well, it opens the way for that.

Mr. DUNNELL. There is a population of 70,000 interested in the passage of this bill.

Mr. REAGAN. This bill will operate as a very great relief to commerce, and it does not involve any increase of expenditure.

Mr. RANDALL. Is there no increase of expense at all?

Mr. DUNNELL. No, sir.

The SPEAKER *pro tempore*. The Chair understands that the point of order is not insisted upon.

Mr. HOLMAN. Renewing the objection, I wish to inquire whether the gentleman from Minnesota [Mr. DUNNELL] states that there is no increase of expense by creating this port of entry?

Mr. REAGAN. The bill does not create a new port of entry.

Mr. DUNNELL. It simply makes Saint Paul a port of appraisal; it is already a port of entry.

Mr. HOLMAN. I ask that the bill be again read.

The bill was again read.

Mr. HOLMAN. For the purpose of examining this subject I shall have to insist upon the point of order. The bill, as I understand, creates a new inland port of entry.

Mr. DUNNELL. Then I withdraw the bill.

#### SILVER COIN.

Mr. LAWRENCE. I now yield the floor to my colleague, [Mr. PAYNE,] and give notice that I will yield to no other business unless of a public and urgent nature.

Mr. PAYNE. I wish to take up from the Speaker's table joint resolution (H. R. No. 109) for the issue of silver coin, which comes back from the Senate with a request for a conference on the disagreeing votes of the two Houses, which I hope will be agreed to.

Mr. FORT. I should like to know what the difference between the two Houses is.

The SPEAKER *pro tempore*. The Clerk will read the resolution of the Senate.

The Clerk read as follows:

IN SENATE OF THE UNITED STATES, July 1, 1876.

*Resolved*, That the Senate insist on its first amendment to joint resolution (H. R. No. 109) for the issue of silver coin disagreed to by the House of Representatives, and disagree to the amendment of the House to the second amendment of the Senate to said joint resolution, and ask a conference of the House on the disagreeing votes of the two Houses thereon.

*Ordered*, That Mr. SHERMAN, Mr. BOUTWELL, and Mr. BOGUE be conferees on the part of the Senate.

Mr. PAYNE. I move that the conference asked for on the part of the Senate be agreed to.

The motion was agreed to.

Mr. RANDALL moved to reconsider the vote just taken; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

#### SUNDRY CIVIL APPROPRIATION BILL.

Mr. RANDALL. I ask the gentleman from Ohio to yield to me for a moment.

Mr. LAWRENCE. I yield to the gentleman from Pennsylvania, chairman of the Committee on Appropriations, to report on one of the appropriation bills.

Mr. RANDALL. I am directed by the Committee on Appropriations to report back the amendments of the Senate to the bill (H. R. No. 3749) making appropriations for sundry civil expenses of the Government for the fiscal year ending June 30, 1877, and for other purposes, and to move that the House non-concur in those amendments, and ask a conference on the disagreeing votes of the two Houses.

Mr. PAGE. I ask for the reading of the Senate amendments.

Mr. RANDALL. I have no objections if you want to waste a couple of hours.

Mr. PAGE. Then let us have some statement of what they are.

Mr. RANDALL. There are two hundred and forty amendments of the Senate.

Mr. RUSK. They are all printed.

Mr. RANDALL. The amendments of the Senate are all printed, and the gentleman can see them for himself.

Mr. PAGE. If they are printed then I do not ask for their reading.

The amendments of the Senate were non-concurred in, and a committee of conference asked on the disagreeing votes of the two Houses.

#### PACIFIC RAILROAD.

Mr. LAWRENCE. I now call up my motion to reconsider.

Mr. BURCHARD, of Illinois. If I have the right, I wish to raise the question of consideration. What is the gentleman's motion on?

Mr. LAWRENCE. I now call up the motion to reconsider the vote by which the bill (H. R. No. 3672) entitled "An act to amend an act entitled 'An act to aid in the construction of a railroad and telegraph line from the Missouri River to the Pacific Ocean, and to secure to the Government the use of the same for postal, military, and other purposes,' approved July 1, 1862," and other acts in relation to the railroad companies therein named, was recommitted to the Committee on the Judiciary. I entered the motion to reconsider on the 8th of June last. By the forty-ninth rule it is privileged, and takes precedence of everything else but a motion to adjourn.

Mr. BURCHARD, of Illinois. What is the subject-matter of the bill which the gentleman from Ohio proposes to call up? I will state frankly my only object is to prevent cutting out the morning hour.

Mr. LAWRENCE. The bill which I propose to call up for action at this time is one requiring the Pacific railroad companies to create a sinking fund to reimburse the United States for the subsidy bonds and the interest advanced by the Government.

Mr. BURCHARD, of Illinois. Is it a report from any committee?

Mr. LAWRENCE. Yes; from the Committee on the Judiciary.

Mr. BURCHARD, of Illinois. I do not wish to antagonize the gentleman's bill, and if members of the various other committees have no objection I certainly have none, and will withdraw my point raising the question of consideration.

Mr. PAGE. I insist on the call in the morning hour of committees for reports. I put the question to the Chair, whether the morning hour does not take precedence. I do not believe that the committees of this House ought to be deprived of the right to report bills. The Indian Committee was on the floor in the last morning hour. I myself reported a bill which has never been acted on, although the previous question has been seconded and the main question ordered. I think the committees of the House have the right to have at least one hour in which they may be heard for the consideration of public business. I do not understand the notice which the gentleman from Ohio

[Mr. LAWRENCE] gave three weeks ago, that he would to-day call up the motion to reconsider the recommitment of the bill to which he has referred, takes precedence over the morning hour.

The SPEAKER *pro tempore*. The calling up of the motion to reconsider takes precedence over all other motions except the motion to adjourn.

Mr. LAWRENCE. By Rule 49 it is a privileged question, and takes precedence of everything else but the motion to adjourn.

The SPEAKER *pro tempore*. It is of high privilege, and the gentleman from Ohio is therefore entitled to the floor.

Mr. PAGE. Is there a motion to reconsider pending?

The SPEAKER *pro tempore*. The Chair is so informed.

Mr. BURCHARD, of Illinois. Pending that I raise the question of order, has not the House a right to raise the question of consideration, which the Speaker must submit to the House, namely: Will the House consider it now? If the House is averse to considering the motion to reconsider at this time, cannot the House so declare?

The SPEAKER *pro tempore*. The gentleman can raise the question of consideration.

Mr. PAGE. Then I ask the Chair to submit that question to the House.

Mr. LAWRENCE. When I called up the motion to reconsider I was entitled to the floor and have not yielded it.

Mr. HUBBELL. I renew the question of consideration.

Mr. LAWRENCE. This is a bill involving \$150,000,000. It is a bill to put money into the Treasury.

Mr. RANDALL. It is too late to raise the question of consideration. The gentleman from Ohio took possession of the floor and yielded to me as chairman of another committee for the time being to make a report.

Mr. PAGE. The gentleman from Illinois reserved the right to raise the question of consideration.

The SPEAKER *pro tempore*. The gentleman from Illinois did reserve the right to raise the question of consideration, and he can do so at this time.

Mr. BURCHARD, of Illinois. I do not insist on raising the question of consideration.

Mr. LAWRENCE. It is too late for anybody else to raise it.

Mr. HUBBELL. I raise the question of consideration.

Mr. SCHLEICHER. I desire to make a parliamentary inquiry. I would like to know whether the unfinished business of the Committee on the Texas Border Troubles has not precedence of any new business?

The SPEAKER *pro tempore*. The Chair will state to the gentleman from Texas [Mr. SCHLEICHER] that if the House refuses to consider the privileged question now before it, that question may arise; but it does not arise at the present time, the regular order being the morning hour and the call of committees for reports.

Mr. LAWRENCE. This bill is necessary in order to save a large amount to the Government.

The question being taken on the question of consideration, there were—ayes 88, noes 12.

The point was made by Mr. MACDOUGALL and Mr. BANNING that a quorum had not voted.

Mr. BANNING. I make the point that a quorum has not voted, simply for the reason that I understand the gentleman from Ohio [Mr. HURD] has a substitute which he desires to offer for the bill of his colleague, [Mr. LAWRENCE;] and that gentleman is not here.

Mr. RANDALL. There is more than a hundred million of dollars involved in this bill due by the railroads to this Government.

Mr. MACDOUGALL. Will that spoil or waste before to-morrow?

Mr. BANNING. The gentleman from Ohio [Mr. HURD] will probably be here to-morrow.

Mr. LAWRENCE. The consideration of this bill was postponed on account of the gentleman from Ohio [Mr. HURD] going to the Saint Louis convention; but there was a distinct statement at the time, on the part of several members of the Judiciary Committee, that there would be no postponement after to-day. It is too much of a sacrifice to sacrifice \$150,000,000.

The SPEAKER *pro tempore*. A quorum not having voted, the Chair will order tellers, and appoints the gentleman from New York, Mr. MACDOUGALL, and the gentleman from Ohio, Mr. LAWRENCE.

The House again divided; and the tellers reported—ayes 129, noes 22. So the House agreed to consider the question.

The SPEAKER *pro tempore*. The Clerk will report the bill.

The Clerk read as follows:

A bill (H. R. No. 3672) to amend the act approved July 2, 1864, entitled "An act to amend an act entitled 'An act to aid in the construction of a railroad and telegraph line from the Missouri River to the Pacific Ocean, and to secure to the Government the use of the same for postal, military, and other purposes,' approved July 1, 1862," and other acts in relation to the railroad companies therein mentioned.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of the Treasury shall at all times withhold payment of any money due from the United States to any railroad company which has received any gift or grant of land, or grant of a right of way or easement, or gift or loan of money or credit from the United States, whether such money so due be reduced to judgment or not, to the amount of any and all claims due from such company to the United States.

SEC. 2. That in any action or proceeding brought in pursuance of law by such company against the United States, any claim or demand in favor of the United States against such company may, at the election of the United States, be a set-off and pleaded as such, or may be made the subject of a separate action or actions in any court of competent jurisdiction.

SEC. 3. That all claims and demands for money due the United States from any such company, from the time they respectively become due, if payment be unreasonably withheld, shall bear interest at the rate of 6 per cent. per annum.

SEC. 4. That it shall be the duty of the several railroad companies to which bonds were issued under any of the several acts of which this act is amendatory to provide a sinking fund for the payment, according to law, of the interest and principal of such bonds, and for re-imbursing the United States for such sums as have been, and may from time to time be, advanced and paid by the United States upon such bonds and interest, and which may not be re-imbursed from compensation for services as now provided by law, and from 5 per cent. of net earnings. And for the purpose of providing such sinking fund said companies shall severally be required to pay into the Treasury of the United States, in addition to the said compensation for services and 5 per cent. of net earnings, the following annual installments, to wit: The Union Pacific Railroad Company shall, during the period of ten years from and after the 1st day of July, 1876, pay annually into the Treasury of the United States the sum of \$750,000, to be paid one-half on July 1 and the other half on January 1 in each of said years. And during each and every year, commencing with the expiration of said period of ten years, the said Union Pacific Railroad Company shall pay into the Treasury of the United States \$1,000,000 until the whole amount of bonds issued to said company, together with interest, shall have been fully paid, one-half of each annual installment to be paid on the 1st of July, and the other half on the 1st of January. And the said Central Pacific Railroad Company, on its own account and on account of the Western Pacific Railroad Company, shall, during the period of ten years from and after the 1st day of July, 1876, pay annually into the Treasury of the United States the sum of \$368,210, to be paid one-half on July 1 and the other half on January 1 in each of said years. And during each and every year, commencing with the expiration of said period of ten years, the said Central Pacific Railroad Company shall pay into the Treasury of the United States the sum of \$760,320, until the whole amount of bonds issued to said company, together with interest, shall have been paid, one-half of each annual installment to be paid on the 1st day of July and the other half on the 1st day of January: *Provided*, That the sums paid into the sinking fund under this act shall apply first to the extinguishment of interest and the balance to the principal of the aforesaid bonds. And there shall be paid into the Treasury on account of said sinking fund, annually, one-half on the 1st day of July and the other half on the 1st day of January in each year, by the Kansas Pacific Railway Company, \$87,327; by the Central Branch Union Pacific Railroad Company, \$22,296; and by the Sioux City and Pacific Railroad Company, \$20,723, until the bonds issued to said companies respectively, and the interest thereon, shall be fully paid. And said several companies shall owe and be indebted to the United States in the several sums required to be by them respectively paid as aforesaid. And any company may pay any sum herein required to be paid in bonds, Treasury notes, or other evidences of debt against the United States, to be allowed at par.

The total sum required to be paid by any company in any one year by virtue of this act, and including said 5 per cent. of net earnings and said compensation for services as now required by law, shall not exceed the several sums following, to wit: By the Central Pacific Railroad Company, on its own account, \$1,861,454, and on account of the Western Pacific Railroad Company \$133,538; the Union Pacific Railroad Company, \$1,909,462; the Kansas Pacific Railway Company, \$489,034; the Central Branch Union Pacific Railroad Company, \$124,856; and the Sioux City and Pacific Railroad Company, \$116,650.

SEC. 5. That it shall be the duty of the Secretary of the Treasury to invest to the best advantage the money paid into the Treasury or collected in pursuance of this act on account of said sinking funds in any bonds issued by the United States, and to re-invest the same from time to time, with all interest and profits, and hold the same for the purpose of said sinking funds respectively; and at the maturity of the bonds issued to said railroad companies, to sell, dispose of, or otherwise apply said money and bonds, at not less than their par value, to the credit of said sinking funds respectively, in paying and canceling said bonds issued to said companies and the interest thereon advanced by the United States not already re-imbursed. But nothing herein shall require said 5 per cent. of net earnings or said one-half of the compensation for services rendered for the Government to be invested as herein mentioned.

SEC. 6. That if any such railroad company shall fail to pay any money or claim due or to become due the United States, or payable in pursuance of this act, such company shall be liable to an action therefor in any court of competent jurisdiction, at the suit of the United States. And it shall be the duty of the Attorney-General to institute the necessary suits and proceedings to collect said money and claims so due or payable, and otherwise obtain redress in respect of the same, and prosecute the same with all convenient dispatch to a final determination. And all such suits and proceedings shall have precedence in the courts over other cases.

SEC. 7. That it shall be unlawful for any such railroad company, or director, officer, or agent thereof, to make or pay, or cause or authorize to be made or paid, any dividend from the earnings, profits, or resources of such company, so long as such company may for sixty days be in default in paying to the United States any money due and owing by such company to the United States in pursuance of this or any act relating to such company or otherwise, the payment of which has been demanded of such company by the Secretary of the Treasury. Every person receiving such dividend shall be liable to refund the same to the United States; and every director, officer, or agent of such company who shall violate any provision of this section shall be individually and personally liable to account and to pay to the United States the whole amount of such dividend.

SEC. 8. That no director or officer of any company hereinbefore mentioned or referred to shall hereafter be interested, directly or indirectly, in any contract therewith, except for his lawful compensation as such officer. And every such person who shall violate the provisions of this section shall, on conviction thereof, be fined in any sum not more than \$10,000 or imprisoned not exceeding one year, or both of said punishments may be inflicted.

SEC. 9. That any remedy herein provided shall not be deemed to deny, exclude, or impair any other heretofore existing in favor of the United States. And nothing herein contained shall affect any pending suit instituted under the fourth section of the act entitled "An act making appropriations for the legislative, executive, and judicial expenses of the Government for the year ending June 30, 1874, and for other purposes," approved March 3, 1873. And nothing herein shall be deemed a waiver of the power and right of Congress at any time to alter, amend, or repeal this or any other act relating to any such railroad company; but such right and power are reserved to Congress. And nothing herein shall impair any right existing by law under the first mortgage bonds issued under the act approved July 2, 1864, entitled "An act to amend an act entitled 'An act to aid in the construction of a railroad and telegraph line from the Missouri River to the Pacific Ocean, and to secure to the Government the use of the same for postal, military, and other purposes,' approved July 1, 1862." And nothing herein shall be deemed a waiver of any right which the United States may have.

The SPEAKER *pro tempore*. The question before the House is on the motion of the gentleman from Ohio [Mr. LAWRENCE] to reconsider the vote by which the House recommitting this bill to the Committee on the Judiciary. The gentleman from Ohio is entitled to the floor.

Mr. LAWRENCE. It is tolerably evident that we will not be able to reach a vote on this bill this evening; and if it be agreeable to the House I will make a proposition which I think will lead to a disposition of it that I hope will be satisfactory on all sides.

I propose that the morning hour be allowed to-morrow; that after that there be two hours allowed for debate on this bill, equally divided, if there be anybody to speak against the bill, between those who are for it and those who are against it; that then the previous question be called; and that the closing hour be equally divided. I do not think, so far as I am able to learn, that there is any disposition on the part of those who have favored this bill, and who have examined it most, to consume any considerable time in the discussion. It has received more consideration than any bill that ever came before the Judiciary Committee during the years that I have been a member of that committee. It is very desirable that the bill should pass, and pass without delay, so that it may be acted upon by the Senate.

Mr. HENDEE. Let me inquire of the gentleman, if there is no opposition to the bill what is the use of three hours' debate upon it?

Mr. LAWRENCE. I stated that as the maximum time. If we find that there is no opposition to the bill, or but little opposition, we may close up the matter in half the time.

Mr. HENDEE. If there be no opposition to the bill, why not confine the debate to one hour after the morning hour to-morrow?

Mr. LAWRENCE. One gentleman, undoubtedly, desires to speak against the bill.

Mr. HENDEE. Is it the understanding that one hour after the close of the morning hour to-morrow the gentleman will call the previous question?

Mr. LAWRENCE. I propose that there shall be two hours' debate after the morning hour; after which I will call the previous question.

Mr. BANNING. I understand that the gentleman from Ohio [Mr. HURD] has a substitute which he desires to offer for the gentleman's bill. Is that the fact?

Mr. LAWRENCE. That is not my recollection. The gentleman from Ohio [Mr. HURD] did state to me, however, that he proposed to offer some amendments; and they may be in the nature of a substitute.

Mr. BANNING. I understand that the gentleman from Maine, [Mr. FRYE,] the gentleman from Ohio, [Mr. HURD,] and the gentleman from Wisconsin [Mr. LYNDE] are opposed to the bill reported by the gentleman from Ohio [Mr. LAWRENCE] and that they presented a minority report.

Mr. LAWRENCE. The gentleman from Ohio [Mr. HURD] and the gentleman from Maine [Mr. FRYE] have presented a minority report, which is printed. The gentleman from Wisconsin [Mr. LYNDE] has not united in any minority report.

Mr. BANNING. I understand that the gentleman from Ohio [Mr. HURD] has telegraphed that he will be here in the morning and that he wishes to speak on the bill.

Mr. LAWRENCE. Very well; my proposition will accommodate him. I propose that after the morning hour there shall be two hours' debate, and then I will call the previous question.

Mr. HURLBUT. I would suggest to the gentleman that to-morrow is private-bill day.

Mr. LAWRENCE. Private bills must give way to this.

Mr. RICE. That will be a matter of consideration for the House.

The SPEAKER *pro tempore*. This can only be arranged by unanimous consent.

Mr. WHITE. Then I object.

Mr. LAWRENCE. I hope the gentleman will not object.

Mr. WHITE. Before insisting on my objection I desire to make a parliamentary inquiry. If I understand correctly, the regular order to-morrow will be the consideration of the Private Calendar?

Mr. LAWRENCE. This will take precedence, because it will come up as unfinished business.

The SPEAKER *pro tempore*. If this is pending at the adjournment it would come up in the morning as unfinished business, and would take precedence of everything else.

Mr. WHITE. Then I withdraw my objection.

Mr. HOLMAN. I would suggest to the gentleman from Ohio, as the time to be allowed for discussing the bill is quite brief, that by unanimous consent the speeches be short. Let the time for speeches be fifteen minutes.

Mr. LAWRENCE. I am willing for that; we can arrange all that matter to-morrow. Let there be two hours' debate after the morning hour, and then let the previous question be called.

Mr. PAGE. I understand that this arrangement does not conflict with the morning hour at all.

The SPEAKER *pro tempore*. It does not interfere with the call of committees for reports during the morning hour.

Mr. LAWRENCE. My proposition is that after two hours' debate, after the morning hour, the previous question shall be called.

Mr. WHITE. If this measure has precedence, why does the gentleman ask unanimous consent now?

Mr. LAWRENCE. I desire to fix a time for the consideration of this bill; otherwise it would take up the whole day, and we should lose the morning hour.

No objection was made, and the proposition of Mr. LAWRENCE was agreed to.

Mr. PAGE. I call for the regular order.

The SPEAKER *pro tempore*. The regular order is the call of committees for reports.

Mr. LAWRENCE. I must hold the floor, and therefore I move that the House do now adjourn.

## WASHINGTON MONUMENT.

Mr. HOPKINS. Pending the motion to adjourn, I ask unanimous consent to take from the Speaker's table a concurrent resolution of the Senate in reference to the Washington monument.

The resolution was read, as follows:

Whereas it has pleased Almighty God to guide the United States of America safely through one hundred years of national life and to crown our nation with the highest blessings of civil and religious liberty: Therefore,

The Senate and House of Representatives in Congress assembled in the name of the people of the United States in reverent thankfulness acknowledge the fountain and source, the author and giver of all these blessings, and our dependence upon His providence and will; and

Whereas we recognize as our fathers did that George Washington, "first in peace, first in war, and first in the hearts of his countrymen," was one of the chief instruments of divine Providence in securing American independence and in laying broad and deep the foundations of our liberties in the Constitution of the United States:

Therefore as a mark of our sense of the honor due to his name and to his compatriots and associates, our revolutionary fathers,

We the Senate and House of Representatives in Congress assembled in the name of the people of the United States at this the beginning of the second century of national existence, do assume and direct the completion of the Washington monument in the city of Washington, and instruct the Committee on Appropriations of the respective Houses to propose suitable provisions of law to carry this resolution into effect.

Mr. RANDALL. The resolution provides for an appropriation, but there is no appropriation provided for in it.

Mr. HOPKINS. It directs the Committees on Appropriations of the two Houses to report a bill making the necessary appropriation.

Mr. HURLBUT. It is merely instructing the Committee on Appropriations, instead of the Committee on Appropriations instructing us, as they have been doing for the last six months.

Mr. ANDERSON. What amount of money will be necessary to complete this monument?

Mr. ATKINS. I hope the House will determine how much it means to appropriate for this purpose, and not leave it to the Committee on Appropriations.

Mr. HOPKINS. I do not know how much money would be needed. The resolution only came from the Senate to-day. I had no previous notice that such a resolution was contemplated. It passed the Senate unanimously. It provides that the Committees on Appropriations of the two Houses shall report a suitable bill, and it will be for those committees to ascertain the amount needed.

Mr. ANDERSON. I have no objection to the resolution.

Mr. HOPKINS. I have no desire to discuss the question, but I hope it will pass the House with the same unanimity with which it passed the Senate.

The question was taken, and the resolution was unanimously agreed to.

Mr. HOPKINS moved to reconsider the vote by which the resolution was adopted; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

## OTOE AND MISSOURIA INDIANS.

Mr. PAGE. I desire to report from the Committee on Indian Affairs, with amendments, the bill (S. No. 779) to provide for the sale of the reservation of the confederated Otoe and Missouri Indians, in the States of Kansas and Nebraska.

The bill and amendments were read.

The SPEAKER *pro tempore*. Is there objection to the consideration of the bill at this time?

Mr. PAGE. I desire to say one word. This bill has the approval of the Indian Bureau, and was approved by the Committee on Indian Affairs of the Senate as well as by the committee of the House.

Mr. TERRY. I object to its consideration. [Cries of "Regular order."]

## LEAVE TO PRINT.

Mr. LORD. I ask unanimous consent that my colleague from New York, Mr. LAPHAM, who was called home on public business and did not get back in time to make his speech upon the Geneva award bill, be allowed to have it printed as a part of the debates in the CONGRESSIONAL RECORD.

There was no objection, and leave was granted. [See Appendix.]

## TELEGRAPHIC COMMUNICATION BETWEEN AMERICA AND ASIA.

The SPEAKER *pro tempore*, by unanimous consent, laid before the House a message from the Senate, requesting the return of the bill (S. No. 892) to encourage and promote telegraphic communication between America and Asia.

No objection was made, and the request was granted.

## CHARLES DAIKER.

The SPEAKER *pro tempore*, by unanimous consent, also laid before the House a letter from the chief clerk of the War Department, transmitting reports of the commanding general of the Department of the Columbia on the case of Charles Daiker, of Sitka, Alaska; which was referred to the Committee on Military Affairs.

## IRREGULARITIES IN PENSION CLAIMS.

The SPEAKER *pro tempore* also laid before the House a letter from the Secretary of the Interior, transmitting a communication from the Commissioner of Pensions recommending legislation authorizing him to waive irregularities in claims filed prior to July 1, 1876; which was referred to the Committee on Invalid Pensions.

## WITHDRAWAL OF PAPERS.

Mr. LANDERS, of Indiana, asked and obtained unanimous consent for the withdrawal from the files of the House of the papers in the case of Mrs. Margaret A. Northeren for a pension.

Mr. WHITTHORNE asked and obtained unanimous consent for the withdrawal from the files of the House of the papers in the case of George P. Hebb.

## LEAVE OF ABSENCE.

Leave of absence was granted as follows:

To Mr. PARSONS for one week;  
To Mr. DENISON indefinitely from Monday last on account of sickness; and  
To Mr. HARALSON for two weeks.

## ENROLLED BILLS SIGNED.

Mr. HARRIS, of Georgia, from the Committee on Enrolled Bills, reported that they had examined and found truly enrolled bills of the following titles; when the Speaker *pro tempore* signed the same:

An act (S. No. 176) to authorize the Northwestern Improvement Company, a corporation organized under the laws of the State of Wisconsin, to enter upon the Menomonee Indian reservation and improve the Oconto River, its branches and tributaries;

An act (S. No. 369) to exempt vessels engaged in navigating the Mississippi River and its tributaries above the port of New Orleans from entries and clearances;

An act (S. No. 454) for the relief of the sureties of J. W. P. Huntington, deceased, late superintendent of Indian affairs in Oregon;

An act (S. No. 560) for the relief of Benjamin L. Cornish, late second lieutenant of the Thirty-second Wisconsin Volunteer Infantry;

An act (S. No. 728) for the relief of Martha J. Coston; and  
An act (S. No. 962) to amend an act approved April 17, 1876, providing for the sale of a part of the custom-house lot in Rockland, Maine.

Mr. HARRISON, from the same committee, reported that they had examined and found truly enrolled a bill of the following title; when the Speaker *pro tempore* signed the same:

An act (H. R. No. 2575) to amend sections 3893 and 3894 of the Revised Statutes providing a penalty for mailing obscene books and other matters therein contained and prohibiting lottery circulars passing through the mails.

Mr. BAKER, of New York, from the same committee, reported that they had examined and found truly enrolled a bill of the following title; when the Speaker *pro tempore* signed the same:

An act (H. R. No. 3263) making appropriations for the service of the Post-Office Department for the fiscal year ending June 30, 1877, and for other purposes.

## RANK OF THE PAYMASTER-GENERAL.

Mr. MACDOUGALL. I ask unanimous consent to report from the Committee on Military Affairs, with a recommendation that the same do pass, Senate bill No. 843, establishing the rank of the Paymaster-General.

Mr. HOLMAN. I insist upon the regular order.

The SPEAKER *pro tempore*. The regular order is the motion of the gentleman from Ohio [Mr. LAWRENCE] that the House now adjourn.

The motion was agreed to; and accordingly (at four o'clock and fifty minutes p. m.) the House adjourned.

## PETITIONS.

The following petitions were presented at the Clerk's desk under the rule, and referred as stated:

By Mr. CASON: The petition of citizens of Des Moines Valley, Iowa, that Congress request the United States Supreme Court to issue a special mandate to the Federal courts in Iowa to postpone all action in reference to the Des Moines River lands awaiting the action of Congress upon certain memorials in regard to said lands, to the Committee on Public Lands.

By Mr. HOPKINS: The petition of Vincent T. d'Auville, a citizen of Pennsylvania, for compensation for the loss of time and property and for damages to his health and chances for advancement in life by reason of his illegal imprisonment by English authorities, to the Committee on Foreign Affairs.

## IN SENATE.

FRIDAY, July 7, 1876.

The Senate met at eleven o'clock a. m.  
Prayer by the Chaplain, Rev. BYRON SUNDERLAND, D. D.  
The Journal of yesterday's proceedings was read and approved.

## MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. GREEN ADAMS, its Chief Clerk, announced that the managers on the part of the House at the third conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. No. 2571) making

appropriations for the legislative, executive, and judicial expenses of the Government for the year ending June 30, 1877, and for other purposes, having reported that they were unable to agree, it was

*Resolved*, That the House further insist on its disagreement to the amendments of the Senate to the said bill, and ask a further conference with the Senate on the disagreeing votes of the two Houses thereon; and that Mr. SAMUEL J. RANDALL of Pennsylvania, Mr. WILLIAM R. MORRISON of Illinois, and Mr. JOHN A. KASSON of Iowa be the managers at the conference on the part of this House.

## PETITIONS AND MEMORIALS.

Mr. KERNAN presented the petition of Amy Otis, mother of Henry Otis, late of Company F, Ninety-eighth Regiment New York Volunteers, praying for an amendment to the fifteenth section of the act to revise, consolidate, and amend the laws relating to pensions, extending the time of limitation for obtaining arrears until the 4th of July, 1876; which was referred to the Committee on Pensions.

Mr. MERRIMON presented the petition of John H. Wheeler, D. C. Forney, and William Russell, citizens of the District of Columbia, praying that they be relieved from illegal assessments made by the authorities of Washington; which was referred to the Committee on the District of Columbia.

Mr. JONES, of Florida, presented the petition of Hannibal Rowe, of Milton, Florida, praying compensation for services rendered as agent of the United States Government while employed in protecting and preserving the live-oak timber in that State on the live-oak plantations belonging to the United States; which was referred to the Committee on Claims.

## REPORT OF A COMMITTEE.

Mr. WITHERS, from the Committee on Pensions, to whom was referred the bill (S. No. 832) to increase the pension of Helen M. Stansbury, reported it without amendment.

## BILL INTRODUCED.

Mr. WINDOM asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 978) extending and continuing the act entitled "An act to provide temporarily for the expenditures of the Government;" which was read twice by its title, and referred to the Committee on Appropriations.

## SIOUX INDIANS.

Mr. INGALLS submitted the following resolution; which was considered by unanimous consent, and agreed to:

*Resolved*, That the President be requested to inform the Senate, if not incompatible with the public interest, whether the Sioux Indians made any hostile demonstration prior to the invasion of their treaty reservation by the gold-hunters; whether the present military operations are conducted for the purpose of protecting said Indians in their rights under the treaty of 1868, or of punishing them for resisting the violation of that treaty; and whether the recent reports of an alleged disaster to our forces under General Custer in that region are true.

## FORT KEARNEY RESERVATION.

Mr. HITCHCOCK. I move that the Senate proceed to the consideration of the bill (S. No. 894) to provide for the sale of the Fort Kearney military reservation in the State of Nebraska. It is a bill that will take but a single moment. It was objected to by the Senator from Vermont [Mr. EDMUNDS] the other day, but I understand that he now withdraws his objection.

The motion was agreed to; and the Senate, as in Committee of the Whole, resumed the consideration of the bill.

The bill was reported from the Committee on Military Affairs with amendments.

The first amendment was in line 6, to insert after the word "only" the words "at the minimum price;" so as to read:

To offer said land to actual settlers only at the minimum price, under and in accordance with the provisions of the homestead laws.

Mr. HITCHCOCK. I ask to withdraw this amendment.

The PRESIDENT *pro tempore*. The amendment is withdrawn, if there be no objection. The Chair hears none.

The next amendment of the Committee on Military Affairs was to insert at the end of section 1 the following additional proviso:

*And provided further*, That the heirs of any person having made settlement and improvement as above described prior to June 1, 1876, may complete the pre-emption or homestead entry of the person so deceased.

Mr. HITCHCOCK. In line 14 I move to amend the amendment by adding after the word "any" the word "deceased," and to strike out the word "having" and insert "who had;" so as to read:

That the heirs of any deceased person who had made settlement and improvement as above described, &c.

The amendment to the amendment was agreed to.

The amendment, as amended, was agreed to.

Mr. FRELINGHUYSEN. I should like the Senator from Nebraska to be good enough to explain the nature of this bill.

Mr. HITCHCOCK. This is a reservation about ten miles square, two hundred miles west of Omaha. It has been abandoned for all military purposes. There is nothing on the land except the improvements placed there by settlers. Settlers have been there for some time; I do not know how long, but ever since it was abandoned, now two or three years ago. They have settled upon this reservation as they usually do in such cases, and this bill is to allow them to go on and pre-empt and homestead this land like any other land.

Mr. FRELINGHUYSEN. Is there any communication from the War Department upon the subject?